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# LEAVES OF A LIFE

BEING THE

REMINISCENCES OF MONTAGU WILLIAMS, Q.C.



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# LEAVES OF A LIFE

BEING

THE REMINISCENCES OF

MONTAGU WILLIAMS, Q.C.

IN TWO VOLUMES

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HOUGHTON, MIFFLIN AND COMPANY

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# LEAVES OF A LIFE.

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My connection with the Tichborne case—I apply for bail on behalf of the Claimant—His solicitor instructs me to conduct his defence—A consultation that lasted all day—The retainer is, at my request, withdrawn—A case of conspiracy and perjury—Ingenious villany—A hairdresser charged with murder—How the deed was done—A plea of insanity—"Not Guilty"—Attempt to defraud the Metropolitan Railway Company—An imaginary refreshment room—Distinguished medical witnesses.

I ALWAYS thank my stars for the escape I had over the Tichborne case. After the Claimant had been committed for trial upon the charge of perjury, he placed himself in the hands of Mr. Gorton, a solicitor, of Bedford Row. That gentleman instructed me to make an application for bail, the prisoner being at the time in Newgate. This application could be made either before a Judge, or the alderman presiding at the Guildhall, and it was arranged that I should go before the latter.

As the application had to be made in the prisoner's

presence, the alderman, the counsel for the prosecution, the magistrate's clerk, etc., accompanied me to Newgate, and the business was transacted in the governor's room there.

The result of my intercession was that the defendant was liberated from custody. In point of fact, I was the only advocate who ever succeeded on his behalf. No particular credit, however, is due to me, because, as the case was one of misdemeanour, it was incumbent upon his worship to admit the defendant to some sort of bail, the only question being as to the amount.

After the Claimant had been released, I received a retainer from Mr. Gorton to conduct the defence as leader, and at the same time the letter from the Claimant of which I place a facsimile before the reader.

I had several interviews with the solicitor, Lord Rivers, and Mr. Bloxam, the two last-named having, as is well known, stood by the defendant throughout the whole of the proceedings. At one of those interviews, I requested that I should have an opportunity of questioning the Claimant in person. I stated my willingness to devote a whole day to the task, and I proposed that I should meet him, his solicitor, and his friends, at ten o'clock one morning. My proposition was acceded to, and the meeting took place. I had not formed an over-estimate of the time that would be required; the consultation lasted all day. When it had drawn to a close, I was asked for my





Hubert Lodge  
Princeton Nov 30<sup>th</sup> / 72

Dear Mr Grantzen Williams

I enclose you  
a copy of letter. I  
now wish to be-  
lieve that. That you  
may know his  
instructions. From me,  
I trust you will  
regard it. After



reading it please  
destroy

James Tracy  
H. S. D. Dist. Maine

Maistager William, Esq

5 Kings Beach

Walt.



opinion. My reply was that I required time to think the matter over.

After carefully weighing all that had passed at our meeting, I wrote to Mr. Gorton and requested him to withdraw my retainer. I stated that, having regard to the multiplicity of my engagements, I did not see how it was possible for me to give up my time to so stupendous a case as the one in question.

My retainer was then withdrawn, and handed to Dr. Kenealy, Q.C., who subsequently conducted the Claimant's defence.

In 1872 a trial took place—before the Recorder of London, at the Central Criminal Court—which afforded a good illustration of how guilt may be fixed upon an innocent man. The facts arose out of a case which, after being heard at the police-court, came on at the Middlesex Sessions. Three persons who had given evidence in that case, were charged, one with perjury, and the other two with conspiracy. Their names were Samuel Shelldrake, Thomas Wallace, and Charles Rowland.

A man, named John Moorhouse, had been charged with stealing a watch, I being entrusted with his defence. It appeared that Shelldrake and Rowland had been in his employment, and that it had been the custom of the former to frequently visit him at home. One of those visits was paid on the 7th of May. Next day, as Moorhouse was about to enter his house, a detective, named B——, stepped up to him. In

consequence of what the officer said, he put his hand in the pockets of one of his coats, which was hanging up behind the door. His housekeeper, who was present, assisted him to search the garment, and in a few minutes she took therefrom a small paper parcel, which, on being opened, was found to contain a Geneva watch. The officer then took Moorhouse into custody on the charge of stealing the article in question. One of those who came forward to give evidence against him was the man Wallace, who swore that the watch was his property, and that it had been stolen from him. After a remand had been taken, Shelldrake was put into the box. He deposed that, in a public-house, the prisoner had shown him the watch and asked him to buy it for fifteen shillings. Other evidence was taken, and a verdict of "Not Guilty" was returned.

The proceedings against Wallace, Shelldrake, and Rowland, were now instituted. Moorhouse, on being put in the box, declared that the statement made by Shelldrake at the previous trial as to the public-house incident was a complete fabrication. The housekeeper was called, and she stated, *inter alia*, that Shelldrake's visit to the house, on the day prior to the discovery of the watch in the coat-pocket, had been paid ostensibly for the purpose of borrowing a putty-knife. She also deposed that, while looking for this article, she had left Shelldrake standing near the door upon which the coat was hanging. A man was put into the witness-box who stated that, a short time previously, he had lost

his portmanteau. He went on to describe how he had had a meeting with Rowland, Shelldrake, and a man named Gordon, and how the first-named had made the following remark: "If you have anything about you that you can swear you lost in your portmanteau, and if you will give it to us, we will plant it on Moorhouse, as we want to get him out of the way. It can be put somewhere in his house." The witness further stated that he met Shelldrake and Rowland on a subsequent occasion, and that the former had described how a friend of his had lost a watch in St. James's Square, and had reported the circumstance at the police-station, and how they, having obtained possession of the article, were, on the following day, going to slip it into the pocket of one of Moorhouse's coats.

Shelldrake pleaded "Guilty" to the charge of perjury. Previous to doing so, he made a long statement admitting his guilt. In the course of the evidence it was proved that Wallace was the man who went to the police-station and gave information, first as to his having lost a watch, and afterwards as to its having been found. Shelldrake, in his statement, put the principal blame upon the shoulders of Rowland. He declared that one afternoon Rowland said to him, "I've bought a watch of a man who sells coins, and I'm going to put it into Moorhouse's pocket, and when that is done I shall give information to B——, the detective." Shelldrake further stated that Rowland did not put the watch there, and that he himself had not done so;

but that they had got somebody else to do it for them. Shelldrake added that he made this statement without any hope or inducement being held out to him.

At the end of the case for the prosecution the Recorder, Mr. Russell Gurney, held that Wallace must be acquitted, as the only direct evidence against him—with the exception of the proof that he was the man who, at the station, made a complaint as to the loss of his watch—was the statement of Shelldrake. Shelldrake and Rowland were both found guilty, the former being sentenced to five years' penal servitude, and the latter to eighteen months' imprisonment with hard labour. In conclusion, I may remark that, at the trial at the Central Criminal Court, I appeared, with Mr. Warner Sleight, for the prosecution, while the prisoners were defended by Mr. Besley.

A curious case of murder was tried before Mr. Justice Hannen at the end of this year. A man named James Rogers, a hairdresser, was charged with murdering his wife, the prosecution being conducted on behalf of the Treasury by their counsel, Mr. Poland and Mr. Besley, I appearing for the prisoner.

Rogers lived with his family, which consisted of his wife, a daughter of eight years old, and a son of three. It appears that one Sunday they all went to Victoria Park by omnibus, having, on the journey, some refreshment. Before they left home, husband and wife had been quarrelling. On their return they had



some supper before going to bed. The little girl deposed that she was awakened in the night by hearing her mother cry out: "Eliza, your father has cut my throat." The child stated that, when this occurred, daylight was breaking. She saw her father place a razor on the table, after doing which he sat down at the foot of the bed. Her mother ran out in her night-dress, with her throat bleeding, and sat on the door-mat.

The landlord stated that he was aroused by a noise, and that he went down to the room occupied by the Rogers' to ascertain what was the matter. He found the wounded woman seated at the door, and she said: "Oh, do help me; he has cut my throat." The witness stated that he then turned to the prisoner, whose throat he saw was also bleeding, from what seemed to be, however, only a slight cut. Rogers, pointing to his throat, said, "Look here, what she has done. She has cut her throat and mine." The two were then conveyed to the hospital, the man in a cab and the woman on a stretcher. Cross-examined, the witness stated that Rogers was a strange man, and was given to childish ways. Apparently, however, he was fond of his wife. It was a peculiarity of his that he would never go to his work after breakfast unless she said to him, "Good morning." He also, the witness added, appeared to be fond of his children. The house-surgeon gave evidence as to the condition in which he found the prisoner and his wife. The former had a superficial wound on the left side of his neck. After remaining under

treatment for a week — during which time nothing strange in his manner was observed—he was discharged cured. The surgeon described the injuries of the woman, and went on to say that, a few days after she sustained them, she died. When *in articulo mortis* she made a dying deposition, in which she stated the circumstances under which she was attacked. She had been in bed, half asleep and half awake, with her baby on her arm. She half raised herself in order to move the child, and it was then that her husband cut her throat. There had been no quarrel between them. Her husband was sober at the time; but during the whole of the day he had been very strange in his manner. He had left his shop, and could not get any employment, and she imagined that this had preyed upon his mind.

Mr. Gibson, the well-known surgeon at Newgate, was called by the counsel for the prosecution, who anticipated, I presume, the defence I was about to set up. He stated that the prisoner had been brought to the gaol on the 2nd of July, and had remained there ever since. He remarked that the case had been postponed from the July Sessions at my request, in order that he might satisfy himself as to the state of the prisoner's mind. He had seen Rogers daily, had frequently conversed with him, and had carefully studied his demeanour. There had been nothing in his conduct to justify the conclusion that he was other than a sane man. Mr. Gibson added that he had



had considerable experience of insanity, and that he had shaped his conversation with special regard to the end he had in view.

I obtained the Judge's permission to call my witnesses before addressing the jury. One of them was Rogers' brother. He stated that the prisoner had been very strange for a long time past, seeming to be haunted with peculiar fancies. Another of the witnesses was a surgeon who had attended the prisoner some two or three months before the sad occurrence. He stated that Rogers, at that time, suffered severely in consequence of excessive drinking, and was, indeed, on the eve of *delirium tremens*. Upon this evidence I addressed the jury, urging that the prisoner was, at the time he committed the terrible deed, not capable of distinguishing between right and wrong; and after a somewhat adverse summing-up from the Judge, Rogers was found "Not Guilty," on the ground of insanity.

Impecunious persons will adopt extraordinary means to obtain money, as the case to which I am about to refer clearly showed. At the Central Criminal Court, I, with Charles Mathews as my junior, prosecuted a man named Tuckfield, who was charged with preferring a false claim against the Metropolitan Railway Company "for that he had been injured in the train where an accident had occurred at Bishop's Road, by which his spine had been permanently damaged, and through which he had since become deformed."

Originally his claim against the Company was for one thousand pounds damages, but it had been subsequently amended to one for two thousand pounds. An action for damages had taken place in the Court of Common Pleas, but Tuckfield had lost the day ; and it was in consequence of what afterwards came to the knowledge of the Company that I was instructed, through their solicitors, Messrs. Burchill, to prosecute the unsuccessful claimant. Tuckfield was accused of having committed perjury at the trial, by falsely swearing that he was injured in the accident ; that he was in good circumstances at the time ; that the injuries he received had prevented him from doing any work ; and that he had been conveyed into the refreshment-room at Bishop's Road Station and supplied with brandy. It was alleged on behalf of the Company that Tuckfield was not in the accident at all ; that, at the time it occurred, he was a man almost entirely destitute ; and that there was no refreshment-room at Bishop's Road Station.

A number of witnesses were called, and the allegations of the Company were fairly well proved. Of course, there was no absolutely positive evidence that Tuckfield had not been in the accident, but witnesses were called who proved incontestably that, a short time before it took place, he had sustained a bad fall, and that the hump on his back, and the injuries to his spine, were results of that fall. The case was rendered memorable by the galaxy of medical talent that

was called. I examined Mr. Christopher Heath, Mr. Barnard Holt, and Mr. Savory ; while Dr. Edgcome and Mr. Howard Marsh were called on behalf of the prisoner. The trial occupied two days, and resulted in a verdict of "Guilty." Tuckfield was sentenced to twelve months' hard labour.

## CHAPTER II.

### HORRESCO REFERENS.

Appearing as counsel for one's friends—Hawkins' indignant client—The learned counsel followed wherever he goes—The persecution becomes unendurable—My advice is asked—We resolve to bide our time—The threat: "I'll have your life"—We apply for a summons—The persecution comes to an end—Lord Marcus Beresford charged with assault—I appear for the defence—An embarrassing position—How I got rid of one of the Justices—Telegrams from the course—He did not ride the winner.

AN advocate is always interested in the client he represents. I do not, indeed, believe that I was ever in a case, be it never so trivial, in which I was not anxious about the result. In my opinion, however, the most trying time for an advocate is when he appears as counsel for a friend. I have been in this unpleasant situation on several occasions.

I was once counsel for Mr. Justice Hawkins, when he was at the Bar and plain Mr. Hawkins, Q.C. He was not only one of the greatest and most astute advocates of his time in ordinary civil cases, but he had the largest practice in compensation claims.

The once celebrated and now defunct Metropolitan

Board of Works had taken over certain premises situated close to the site of the London Pavilion, about which so much has been heard. The parties could not agree as to the cost at which the premises should be acquired, and the case was accordingly brought into Court, Mr. Hawkins being retained as the leading counsel for the owner of the property. The latter was dissatisfied with the result of the trial, as the sum awarded to him fell far short of that to which he felt himself entitled; and he straightway came to the conclusion which so many litigants have come to, namely, that his case had not been properly attended to by his counsel. It so happened that, at the time the case came on, Mr. Hawkins had been more in demand than most leaders of the Bar, and he had, in fact, been called away during the progress of the trial. As he had another silk gown and juniors to support him, however, it may be presumed that the accusation of neglect was not properly founded. Mr. Hawkins had, as a matter of fact, opened the case, been present when the witnesses were called in support of the claim, and had cross-examined those upon the other side. At the time he was called away, all that remained for the second in command to do was to address the jury.

When the award was given, Mr. Hawkins' client was simply furious. He refused to be comforted, or to listen to reason. A very excitable man, he bestowed epithets the reverse of complimentary upon his counsel,

and very soon went almost, if not entirely, off his head.

From the day of the trial, or rather, from the moment he recovered from a short illness, the unsuccessful litigant haunted Hawkins day and night. He became his shadow, his *alter ego*; wherever the learned counsel went, there he saw the form of his quondam client. Hawkins at that time lived in Cleveland Row, which thoroughfare his bedroom overlooked; and when he got up in the morning, and glanced out of window, he at once caught sight of the familiar figure. The man followed him to his work, occupied a seat in whatever Court he was engaged in, and dogged his footsteps home in the evening. If he walked abroad, the man walked abroad behind him; if he took a cab, the man followed in his wake in another cab, and instead of one vehicle stopping at the house in Cleveland Row, two stopped. If, on putting his latchkey in the door, Hawkins turned his head, there, sure enough, he saw the attendant spirit on the kerbstone.

This persecution continued for months, and, apparently, the late owner of property in Piccadilly Circus did not know what fatigue was. At length, the learned counsel's health and nervous system began to suffer, and his friend and colleague on the Home Circuit, the Hon. George Denman (now Mr. Justice), had a conversation with me as to what was best to be done under the circumstances. I pointed out that no remedy could



be sought at present, as nothing had been done that was illegal, and I advised that the matter should be placed in the hands of some criminal solicitors—Messrs. Lewis and Lewis for preference—and that we should wait until the mysterious individual showed some signs of breaking the peace. “We shan’t have to wait long, depend upon it,” said I; and my words came true.

About a fortnight after we held our consultation, as Mr. Hawkins was wending his way home one evening, and just as he was reaching the bottom of St. James’s Street, he turned round to smile and wave his hand to an acquaintance passing in a cab. This was too much for his tormentor, who, as usual, was following behind. Hurrying forward, he exclaimed: “You dare laugh at me, you scoundrel, whom you’ve ruined! I’ll have your life! I’ll have your life!” saying which, he turned and vanished.

This was enough. He had committed a criminal offence in uttering the threat. The next day Messrs. Lewis and Lewis were informed of what had taken place, and I was instructed to apply for a summons against the man, at the Westminster Police Court. This I did, and my application was successful. The hearing was fixed for a day and an hour in the following week that suited the convenience of Mr. Hawkins.

The case duly came on, I appearing for the prosecutor, and the accused being defended by a solicitor. I was no novice at my profession, but, strangely enough, I never before felt so nervous in examining a witness

as I did while putting a few necessary questions to my client. Another singular circumstance was that he, who ought to have been a scientific witness, was about the worst I ever had on my hands. Instead of giving simple answers to the questions, he did what counsel and Judges always scold witnesses for doing—he made statements. However, in the end, the magistrate ordered the accused to find two sureties in £200 each, and himself in £400, to keep the peace towards the prosecutor and all Her Majesty's liege subjects. He was some few days in finding the required sureties; and whether or no the short term of imprisonment he had consequently to endure had a salutary effect upon his temperament, I cannot say, but this much is certain—my learned friend and client never saw or heard of him again.

On another occasion I was counsel for my good and valued friend, Lord Marcus Beresford; and, before I relate the experience, I may state, as a coincidence, that he and the subject of the story I have just told, were two of those who were unremitting in their kindly attentions to me in the misfortune that befell me in 1886.

Lord Marcus, when a young man, had been financially embroiled with a solicitor living in a street adjoining Piccadilly. Walking from the Park one day, with an intimate friend—I think it was Lord Charles Kerr—it suddenly struck him that he would pay a visit to the attorney, and give him a piece of his mind. Unfortunately, he gave him something



more. He was duly ushered upstairs into the solicitor's private room ; some conversation took place ; words soon began to run very high ; and, in the end, violence was resorted to, the solicitor receiving a good deal more than he cared for.

A summons was applied for against Lord Marcus, and it was heard at Marlborough Street Police Court, I appearing as counsel for the accused. He was committed to take his trial at the Middlesex Sessions. When the case came on, I again appeared for my friend. Before the proceedings commenced it was suggested by the counsel on the other side that matters might be adjusted if a suitable apology were made. The terms of an apology were submitted to us, but they were of so humiliating a character that it was impossible for us to accept them. The situation was not a pleasant one. Knowing, as I did, how the Court would probably be constituted, I recognised that it was impossible for us to get a verdict. The charges were "assault occasioning actual bodily harm, and common assault." Now, all that the most sanguine advocate could hope for was that the charge would be reduced only to the latter count ; and then came the question, what would be the sentence ?

The defendant said that he placed himself entirely in my hands. He, however, made me promise that my action on his behalf should be the same as though I, myself, were personally concerned. The trial commenced, a weight of responsibility being on my

shoulders that I hope I never again shall have to bear.

A number of magistrates sat on the Bench, the chairman being the Assistant-Judge, Mr. (now Sir) Peter Edlin. I may here mention that, though the Assistant-Judge has actually to try the case, sum up, etc., he is only the legal assessor to the Court. In questions of punishment, as in appeals to quarter sessions, each magistrate has a vote.

At the time of the trial, the Liverpool Races were on, and my client was running a horse in almost every event. On the following day the "Grand National" was to take place, and in that race Lord Marcus was, himself, to ride one of his horses, "Chimney Sweep," which was either first or second favourite.

His lordship took his place in the dock with the cheerful air and the winning smile peculiar to him, and when, in a frank, hearty tone of voice, he pleaded "Not Guilty," he was, to all appearances, certainly a far happier man than his poor counsel.

As the case proceeded, the usher handed to me a number of telegrams, which I, being too busy to open, put on one side. My seat was very close to the dock, and as I was proceeding with my task, my friend and client plucked at my gown, and whispered: "If you haven't got time to open them, give them to me. They are from the course. I told Jones, my trainer, to wire to you, as I did not know whether, if he wired to

me, I should be allowed to have the messages." At that moment I was cross-examining the prosecutor, but I managed in between the questions, and while documents were being produced, to find time to open the telegrams. The first one I opened stated that "Woodcock" was first, some other horse second, and another third. I whispered this intelligence to the occupant of the dock, who replied: "'Woodcock'! That's all right—that's mine." And the same proceeding was several times repeated during the trial. Sometimes my client was successful, and sometimes he was not.

At that time, Mr. Padwick, who will be well known by reputation to most of my readers, was a magistrate for the County of Middlesex; and, considering it was he who had found the money for the prosecutor to lend (it was an instance of the jackal and the lion), he certainly did not show very good taste in coming to occupy a seat on the Bench while this case was being heard. I confess that his presence angered me pretty considerably. When I was questioning the prosecutor, in cross-examination, as to his financial transactions—the enormous percentage he had received, etc.—he looked up to where Padwick was sitting on the Bench. Not being able to resist the temptation, I slipped in the observation: "You need not look up there, sir; I am quite sure there is no one sitting there who would countenance such proceedings as you have admitted being a party to;" and, within a minute or two, Padwick left the Court.

Of course it was impossible for me to justify a breach of peace. I laboured tremendously hard ; but the Judge, in his summing-up, very properly directed the jury that there could be, legally, no answer to the charge of assault. The jury, I am sure, would have returned a favourable verdict if they had been able, but the Judge would not let them, and, evidently much against the grain, they ultimately found my client guilty of common assault, adding, however, the strongest possible recommendation to mercy.

The justices retired to their room with the Judge, to consider the sentence. They were absent for about half an hour, and this was about the worst half-hour I ever spent in my life. I certainly could not go to prison for my friend, and I much more certainly could not ride "Chimney Sweep" for him on the morrow ; therefore I felt inconsolable. His lordship himself never lost his pluck—no Beresford ever did—or his high spirits. All that he said to me was : " I shall never forget, my dear fellow, what you have done for me ; but I am afraid I shall not ride the winner to-morrow ;" and I am bound to say that my countenance was the reverse of reassuring.

At last the justices reassembled. There had evidently been a tremendous difference of opinion among them. As they were taking their seats on the Bench, I caught the eye of one of them who was an intimate friend of mine, an excellent magistrate, and one of the kindest of men, but whose name I will not mention. I knew at once that all was well. The Judge,

after reading the defendant a long lecture and fining him £100, said that he, himself, had been in favour of sending him to prison, but that, by a very slender majority, the Bench had decided upon a milder sentence.

Lord Marcus Beresford travelled down to Liverpool that night. He was right in his prediction that he would not ride the winner on the following day, for "Chimney Sweep" was beaten by "Austerlitz," the property of Mr. Hobson, owners up.



## CHAPTER III.

LAUDATUR AB HIS CULPATUR AB ILLIS.

Mr. Gladstone's manifesto—The Straits of Malacca—I resolve to hear Mr. Gladstone and Mr. Disraeli speak—A political meeting at Blackheath in the pouring rain—I am recognised by the roughs—They make a passage for me through the crowd—The Premier's refreshment—A magnificent oration—Mr. Disraeli dines at the farmers' ordinary—His deaf and stupid neighbour—"’E be roight, ’e be allus roight"—The speech at the Corn Exchange.

DURING my career I never meddled much in politics, and in point of fact never went within the portals of the House of Commons. On one occasion, however, I gave myself the treat of listening to two important political speeches, under circumstances that I am about to describe.

In January, 1874, Mr. Gladstone issued a manifesto stating that, Her Majesty's Government having been defeated on the Irish Education question, they had placed their resignations in the hands of the Sovereign. Mr. Disraeli—continued the manifesto—had stated his inability to govern in the existing Parliament, and had declined to fill the void; therefore a dissolution was

about to take place. A counter-manifesto then appeared from Mr. Disraeli, who referred in the document to the question of the Straits of Malacca. This was certainly not a very interesting question on which to go to the country. As I write I recall to mind this couplet that was written during the electoral contest :

If you give the poor man his beer and his 'bacca,  
He won't care a d—— for the Straits of Malacca.

In his manifesto, Mr. Disraeli said : “ By an act of folly or of ignorance rarely equalled, the present Ministers relinquished a Treaty which secured us the freedom of the Straits of Malacca for our trade with China and Japan, and they, at the same time, by entering, in the West Coast of Africa, into those ‘equivocal niggling engagements’ which the Prime Minister now deprecates, involved us in the Ashantee War. The honour of the country now requires that we should prosecute that war with the vigour necessary to ensure success, but, when that honour is vindicated, it will be the duty of Parliament to inquire by what means we were led into a costly and destructive contest which neither Parliament nor the country has ever sanctioned, and of the necessity or justice of which, in its origin, they have not been made aware.”

I had read what I may term the declaration in the action, namely, the charge uttered by Mr. Disraeli ; and I now learnt that Mr. Gladstone was about to plead, that is, to give his answer to the charge made



against him. It had been arranged, indeed, that he was to address his Greenwich constituents, at Blackheath, on the following Wednesday. I was in very heavy business at the time, but, on the Tuesday evening, I told my clerk that I would take no briefs for the morrow, as I had a private engagement. Having heard, too, that Mr. Disraeli was to address the electors of Buckinghamshire, at Aylesbury, on the Saturday, I also informed my clerk that I could not take any business for that day either. I resolved, indeed, to go and hear these two great men speak, an experience I had not previously enjoyed.

On Wednesday afternoon, I took the train from Charing Cross, and proceeded to Blackheath. What an afternoon it was! Rain fell incessantly, and the weather was cold and raw. I suppose there could not have been a worse afternoon for an open-air demonstration. Well wrapped up in a mackintosh, and with a pot hat on, I resolved to defy the elements. I could not forego the pleasure of hearing the great orator, for whom, though I entirely disagreed with his opinions, I had the greatest admiration, on account of his powers of endurance, his pluck, his energy, and his unrivalled genius.

There was an enormous concourse of people on Blackheath. I was at once recognised by a number of persons; and indeed I am afraid that there are few among the rougher order with whom my appearance is not familiar. Nudges passed round, and, in a little

while, a gangway was cleared for me through the crowd. I walked forward, and, in a little while, found myself almost touching the wheels of the great waggon from which Mr. Gladstone was to deliver his oration. Two minutes later, a carriage drove up containing the Premier and his wife. The grand old statesman was drenched with rain, but his ardour was clearly in no wise damped. A second gangway having been cleared through the crowd, the distinguished visitors made their way to the vehicle, which they ascended by means of a rough flight of steps.

I do not propose to describe the scene. Mr. Gladstone was then in the zenith of his popularity, and a tremendous ovation was accorded him. Shortly after he had taken his seat in the vehicle, he put his hand in his great-coat pocket and produced an article that closely resembled those wooden pomade pots that are so often seen upon the dressing-table. Having unscrewed the top he took out from the wooden case a glass vessel containing a yellow liquid, in appearance not unlike egg and sherry. This he proceeded to drink, and, as he did so, I overheard some amusing remarks pass between two rough-looking customers standing by my side. One of them said, "What is that, Bill? What's he taking there?" "Don't you know?" was the reply; "why, it's some of the butter he intends to spit out presently."

An extraordinary effect was produced when Mr. Gladstone began to speak. That great crowd of many thousands became, on the instant, profoundly silent.

You actually might have heard the proverbial pin drop.

I had come to Blackheath strongly prejudiced against the speaker's opinions. I was under the impression that I should disagree with everything that Mr. Gladstone said. What judges are we of ourselves ! The reverse of what I had expected took place. I had heard all the finest orators of the day in my profession, and I had heard many great speakers hold forth from the hustings ; but never, in the whole course of my life, had I listened to a speech that carried me away so completely as the one Mr. Gladstone now delivered. I had been very anxious to hear what he would say about the Straits of Malacca, and the arguments he employed on that subject made a deeper impression upon me than anything else in his oration. He said :

“Mr. Disraeli has himself selected the scene of action with respect to foreign policy. He has gone to a very remote part of the globe ; one, indeed, that is almost as far off as the kingdom of Brobdingnag. He carries us to the Straits of Malacca. He says he is astonished at our ignorance and our folly in giving up our rights in the Straits of Malacca, by doing which we have compromised the safety of our commerce with China and Japan. Well, gentlemen, I must detain you a few minutes upon this point, although the Straits of Malacca do not sound like a very promising subject. I am mistaken, however, if you do not find that it is not wholly devoid of interest. In the first place, I

must observe that the transaction which Mr. Disraeli blames on our part was a transaction of the year 1871; and he has sat in the House of Commons during the Sessions of 1872 and 1873, and has entirely forgotten his duty to the Straits of Malacca! And what has happened now to rouse him from his insensibility? An article has been published in *Fraser's Magazine* bringing all manner of charges against the Government, and greatly enlightening the mind of Mr. Disraeli. That article I looked at to-day. I find it is written by a gentleman of the name of Bowles; and I am greatly mistaken if Mr. Disraeli does not find on this occasion that those who play at bowls must expect to meet with rubbers. Let me give you a short statement of the case. Mr. Disraeli says that we had a treaty securing the freedom of the Straits of Malacca for our trade to China and Japan. We had no such treaty. We had a treaty with Holland which gave to England the exclusive title to frame treaties, and make arrangements with the Island of Sumatra (which forms the other side of the Islands of Malaysia), and with all the neighbouring islands; but that gave no security whatever for the free navigation of the Straits of Malacca. That treaty was dated in 1834, and I am not now going to discuss it; but I am sure you will agree with me that if there is danger of the freedom of navigation being interrupted in the Straits of Malacca, it is likely that that interruption will occur where the Strait is narrowest. The Strait is narrowest at that part of

Sumatra which is occupied by the kingdom of Siak. Well, there was a time of danger, perhaps, but when was the treaty made? It was made in 1858, when Mr. Disraeli was in office. . . . It is a most extraordinary state of things when the head of a party is so destitute of points to make against the Government,—though he has, I must say, as ingenious a brain out of which to spin them as any man who ever occupied that or any other position,—that he has to travel all the way to the Straits of Malacca to find one, and that he manufactures his charge out of an act which is not a bad act, but a good act, and an act which was not done by the Government, but done by the colleague of Mr. Disraeli and the Government to which he belonged. . . . And so I will leave the leader of the Opposition for the present floundering and foundering in the Straits of Malacca.”

The peroration was extraordinarily good, and I confess that the magician's power had succeeded, and that, as I walked away from Blackheath, my political opinions, at all events with regard to the Straits of Malacca, had undergone a complete change. It was the genuine and earnest character of the speech that had struck me particularly. It was real; and in my small way at the Bar I have always found that to succeed in speaking one must feel, or appear to feel, what one utters. No doubt I shall always be antagonistic to the present programme of Mr. Gladstone; but I shall never forget the Blackheath speech, and shall



never regard the deliverer of it with anything but genuine admiration and respect, as the greatest living genius of the age.

On the following Saturday I proceeded to Aylesbury for the purpose of hearing Mr. Disraeli. I had written to my friend, Mr. Montagu Corry (Lord Rowton)—who had been a junior with me on the Oxford Circuit—to arrange that a good seat should be secured for me. On arriving at the county town of Buckinghamshire I found that Mr. Disraeli, before delivering his speech, intended, as was his custom on such occasions, to dine at the farmers' ordinary. My good friend had secured an excellent place for me at table, almost opposite to that occupied by the leader of the Opposition. The gathering was a curious one. All the farmers of the district were present, and the food of the ordinary had been arranged evidently to meet their tastes. Mr. Disraeli occupied the chair, and on either side of him sat an elderly farmer. One of them was very deaf, but the statesman, by shouting in the old man's ear, made himself, at any rate, partially heard. It was astonishing to notice how fluently Mr. Disraeli discoursed to his two companions about geese, cows, agricultural implements, and the like. Needless to say that both the farmers listened with rapt attention, and were, throughout the meal, in the seventh heaven of delight. The conversation, I must confess, fairly astounded me. Where on earth, I asked myself, could Mr. Disraeli have picked up all his agricultural know-

ledge? He must, I concluded, have crammed for the part; and I really am inclined still to believe that my conclusion was correct. The dinner passed off in the usual way, and with the customary speeches. The more intelligent of the two farmers proposed the health of Mr. Disraeli, who made a very telling speech in response. All the right things were said, and not a word was uttered above the heads of the company. While he was speaking I asked myself: Can this be the author of "Lothair"?

The dinner over, an hour's interval took place before Mr. Disraeli delivered his speech in the Corn Exchange. I utilised the time by strolling down into the market-place, and, as luck would have it, outside the principal public-house, I came across the deaf farmer who had sat at table next to the leader of the Opposition. I had a tolerably good voice in those days, and could shout as well as most men. Getting therefore into conversation with this individual, I quickly learnt that not half of the great man's remarks had been understood by him. He kept repeating: "'E be roight, 'e be allus roight. Oi and moine 'as allers voted for 'im ever since 'e came into these parts, and we allus shall do so as long as 'e is here, to our dying day." No doubt indeed, Mr. Disraeli was a great favourite in Bucks.

The hour having elapsed, I proceeded to the Corn Exchange, and was accommodated with an excellent seat on the platform, not twenty yards from the



orator. I had anticipated a real treat, and was not disappointed. It was a magnificent oration. Never before had I seen any one so quick at repartee. One or two persons endeavoured to disturb the meeting by interposing exclamations. He was down on them, quick as lightning, and insisted upon knowing what they had to observe. No sooner had they finished their little say than he fired off a splendid answer, and they were crushed. In fact, in the art of oratory Mr. Disraeli was simply perfect. He gave his version about the Straits of Malacca (but seemed to avoid all argument), and shot straight off into matters more congenial to the tastes of his audience.

Having heard the speech, I asked myself: Is all this genius, or is it consummate tact? and, without a moment's further thought, I came to the conclusion that it was an exquisite combination of both. Mr. Disraeli had enormous natural ability, a thorough knowledge of men, and marvellous *savoir-faire*: and this was the combination which had helped him to wrestle successfully with the great difficulties that impeded his progress at the commencement of his public career; which had made him dominant over a set of politicians who at first would have him not; and which, eventually, had constituted him the brilliant leader of that great Conservative party to which, as a very humble individual, I have always had the honour to belong.

## CHAPTER IV.

### SPLENDIDE MENDAX.

A necessary rule—The murder in the Austrian Tyrol—Count Henry de Tourville—The class by whom he was fêted—A crowd of ladies in Court—De Tourville's wealthy wife—How he accounted for her disappearance—A circumstantial narrative—A different account given in a letter—Further inconsistencies—Searching for the body—Explaining away the blood-stains—The swollen fingers—Theory of the prosecution—De Tourville committed to the House of Detention—He is subsequently conveyed to the Austrian Tyrol, and found guilty—Specimens of the charges brought against him.

I ALWAYS made it a rule never to see anybody on business at my private house, and a very necessary rule it was ; for had I allowed my clients to intrude upon my privacy, I should never have had a quiet moment. There is, however, no rule without an exception.

In the November of 1876—when we were living at 44, Upper Brook Street—after attending a dinner-party one night with my wife, I returned home at about eleven o'clock. A servant stated that a gentleman was waiting for me upstairs, where he had been since nine o'clock. In obedience to orders the servant had told him that, if he came on a matter of business, he could not see

me, but must go to my chambers on the following morning. He, however, had refused to leave the house, saying: "Mr. Williams will perfectly well understand why I have waited."

I proceeded to my study, and there found a gentleman of the name of Turner, a member of a firm of solicitors of Lincoln's Inn. After profusely apologising for his intrusion, he declared that the matter on which he had come was one of life or death. He explained that a client of his, Count Henry de Tourville, had been taken into custody that evening upon an extradition warrant, and charged with having murdered his wife in the Austrian Tyrol.

De Tourville, it appeared, was a man of considerable fortune, and was well known in London society. He had resided in London at different periods, and owned a house at Craven Hill, Hyde Park. The excellent dinners he had given there had made him famous, and he had been taken up by the Jamrachs of this life, who are so fond of introducing to their friends those whom they are pleased to term "distinguished foreigners." He had been made much of by those persons who, by hook or by crook, manage to screw their way into the receptions at the Foreign Office and elsewhere, who are very uncomfortable while the functions last, and whose wives think that they are thenceforth privileged to talk of that "sweet Mrs. Gladstone" or that "dear Lady Salisbury."

But I am digressing. De Tourville, on the morning

following the visit of Mr. Turner, duly appeared before Mr. Vaughan at Bow Street. The accused was a man who might be any age between forty and sixty, and his hair, moustaché, and other hirsute appendages were of a glossy blackness that was suggestive of meretricious applications. He was somewhat showily dressed, and had on an open-worked shirt, decorated with handsome studs. Altogether, De Tourville was certainly not a very prepossessing-looking person.

He was charged with murdering his wife Madeline (formerly Mrs. Miller), by pushing her over a precipice in the Stelvio Pass of the Austrian Tyrol, in the previous July. There were a good many ladies amongst the audience in Court. They are fond of curiosities, and the Count had been a very great favourite among them.

It appeared from the evidence that the marriage between the prisoner and Mrs. Miller—who, by-the-bye, possessed a considerable fortune—had taken place in London on November 11th, 1875. The lady had been living in Southwick Crescent, Hyde Park, and De Tourville had occupied a small mansion in the neighbourhood. After the ceremony, they travelled abroad, having as their sole companion a lady's-maid. Among other places they visited was Spondinig, and they put up at the hotel there.

On Sunday, July 16th, the husband and wife set off alone for Ferdinandhöhe. At eleven o'clock at night

De Tourville returned alone, and stated that the lady had fallen down the side of a mountain, that she had injured her forehead, and that he had left her leaning against a tree, bleeding from the right temple. He said that she was conscious, and that he had explained to her that he was going off to fetch assistance. With that end in view, he said, he set out, but lost his way, and eventually returned to the spot from which he had started. He now found his wife dead, though she was not lying where he had left her. Apparently, he added, she had risen with the intention of walking away, but had fallen down a second time, and, being very stout and full-blooded, had become giddy and dazed, in consequence of which she had fallen again and again down the slope.

The landlord of the hotel deposed that, in the morning, the prisoner had been very anxious to procure a carriage that would only hold two, and had explained that he and his wife were not going to take the lady's-maid with them. Before starting, he had arranged that supper should be ready for them both at eight o'clock.

It was proved that, before the prisoner left the Austrian Tyrol for London, he wrote a letter to a friend of the deceased, one of the trustees of her marriage settlement. I may here mention that her property amounted to a sum of £65,800. The letter commenced with an expression of the great grief that the prisoner experienced at having to announce the



death of his "dear wife," and went on to explain that, while taking carriage-exercise in the Pass, enjoying the splendid mountain scenery, she became extremely nervous and frightened, especially when the horse turned a sharp corner of the road, when she expressed a wish to proceed on foot. While walking along—the letter continued—his poor wife went too near a ravine, fell over, and lost her life. The writer added that he had been compelled to visit a sick relation in Normandy, or would have written sooner; that a priest had refused to have the body buried in a cemetery, as the deceased was a Protestant; and that his wife's corpse had therefore been placed temporarily in a garden. An invitation was conveyed to the trustees to visit the scene of death, and the prisoner went on to say that the medical man who made a *post mortem* examination had stated, at the inquest, that a tumour had formed in the deceased's stomach, that she would have been a great sufferer, and that she could not have lived more than two or three years.

The trustee to whom this letter was written, Mr. Wilding, deposed that, at De Tourville's request, he had called upon him at Craven Hill, on the 12th of September, and that the accused then gave an account of the calamity that differed materially from the one given in the letter. At this interview De Tourville said that the death of his wife was very sad indeed, and worse than he had supposed, as it was a case of suicide. He went on to explain that

she threw herself off the road and fell some distance ; that he went down after her and found her scarcely injured ; that he tried to persuade her to accompany him back to the road, but that, after proceeding a short distance, she said she could walk no further, and sat down, promising to wait till he returned with assistance ; that before he had proceeded many paces he looked back, and saw that she had again thrown herself down the slope ; that he went back to her, and, after reproving her for her wickedness, wiped her head with his handkerchief, and told her that he would go for assistance, as she would otherwise bleed to death ; that he then proceeded to Trefoj, and returned with assistance ; that he and his companions, after a long search, discovered her dead body much lower down the slope, close to a rivulet.

Mr. Wilding stated that, after all the other legacies had been paid, there would be a sum coming to De Tourville, by his wife's death, of about £38,000.

It transpired that, before leaving the Tyrol, De Tourville had been interrogated before the district-judge, and discharged. Owing, however, to the discovery of fresh evidence—a copy of which had been forwarded to this country—his extradition had been demanded.

It was proved, *inter alia*, that, when the prisoner had given the alarm, and returned with assistance from Trefoj, he remained in the carriage until every article of his wife's dress and jewellery was brought to him. First of all her bonnet was discovered. It was picked



up some twelve feet below the roadway, covered with blood. The searchers next came upon her handkerchief, one of her cuffs, and a blue silk collar, the last-named being also stained with gore. A trail of blood was followed down into the valley, where, in an open and level place, the body was discovered. The ground there was covered with grass and raspberry plants. It was noticed that, across the turf, there was a track eighteen inches in width. This could not have been caused by the deceased having rolled down from above. It indicated, rather, that she had been dragged down. Close to this track was the stick of a sunshade, and it was proved that such an article had been in the carriage when the pair left the hotel. These and other circumstances seemed to point conclusively to a struggle having taken place, and to a great degree of violence having been used towards the unhappy lady. Among the other things found near the spot where the body was lying, was an ear-pendant.

It was proved that, upon De Tourville's return to the hotel, it was seen that there were marks of blood upon his fingers, and that his hand was so swollen that he could not wear his glove. He had accounted for the circumstances by saying his hand had come in contact with the stones. When the body of Madame De Tourville was discovered, it was found that her hands were both swollen and bruised.

It would seem that, after the unfortunate lady had met her death, De Tourville had deposited a number

of articles about the spot, to lend colour to the statement he proposed to make, that his wife had a fall, and then committed suicide.

Upon the evidence before him, Mr. Vaughan committed the prisoner to the House of Detention, there to await the order of Her Majesty's Secretary of State for his surrender to the Austrian Government within fifteen days.

The accused was, in due course, conveyed to the Austrian Tyrol, and handed over to the authorities there. Preliminary investigations took place, and he was eventually put upon his trial. The proceedings, which were lengthy, resulted in his being found guilty, and condemned to death. This sentence was subsequently commuted to one of penal servitude, which meant, in that country, working as a slave in the salt mines.

In the *acte d'accusation* upon which he was tried, he was charged with a number of additional crimes. He was accused of poisoning his first wife by putting powdered glass in her food and drink. He was further accused of shooting his mother-in-law. She had died from a wound inflicted by a pistol which belonged to the prisoner, and which he alleged had gone off accidentally, while she was examining it. Another charge brought against him was that of setting fire to his house with a view to kill his only child, through whose death a large sum of money would come to him. Several other accusations of a similar character were brought against him.

## CHAPTER V.

AMICUM PERDERE EST DAMNORUM MAXIMUM.

A soldier charged with murdering a comrade—His officers instruct me to defend him—Barrack regulations for Christmas Day—A quarrel in a public-house—What was done with the drunken soldiers: a disgraceful arrangement—The guard-room and the peep-hole—Cries of “Murder!”—The prisoner’s blood-stained boots—My defence—Comments from the Bench—Verdict and sentence—A pleasant friendship—Sir John Holker—His shooting and trout-fishing—How Jack Dale was nearly drowned—The whimsical idea that got into Sir John’s head.

THERE was a case tried before Mr. Justice Hawkins in January, 1877, of which, by reason of the sympathy I felt for the accused, whom I defended, I preserve a very lively recollection. The man’s name was Michael McConnan, and he was a private in the Grenadier Guards. He was charged with the wilful murder of a comrade-in-arms named Noah Johnson.

Mr. Poland and Mr. Beasley prosecuted on behalf of the Treasury, while I, at the request of the Colonel and other officers of the regiment, defended the prisoner.

McConnan had been in the army some eighteen months, and, during that period, had discharged his duties efficiently. Both he and the unfortunate man

who met his death had, however, been addicted to drink. On Christmas Day, after the dinner had been served, any man who chose to do so, and was not prevented by his duties, could absent himself from barracks until half-past ten at night. The prisoner had quitted barracks apparently sober, at about five o'clock in the afternoon. It would seem that he went from one public-house to another until he became hopelessly intoxicated. At one of these public-houses he met Noah Johnson, and a dispute took place between them. The evidence was very meagre on this head, but it went to show that McConnan knocked a stick out of Johnson's hand. It was clear, however, that the quarrel, if quarrel it could be called, was not a very serious one.

Noah Johnson, instead of returning to his quarters at half-past ten, came in an hour later, in a state of intoxication. He was at once ordered to the guard-room. This room was described by the witnesses—members of the corps—as a large cell, along one side of which was stretched a sort of settle, of sufficient dimensions to allow of twenty men sleeping upon it comfortably. Johnson was locked up in this place with three other drunken men. At a later hour McConnan arrived at the barracks, and was pushed into the cell along with the others.

It appeared that, in the outer guard-room, there was a window, or peep-hole, opening into the cell; and it was the custom of the corporal of the guard to look through this aperture, from time to time, to see how

the prisoners were getting on. On the day in question, an officer of the guard looked through the peep-hole shortly after midnight. McConnan was then sitting on the edge of the settle, and the other prisoners were lying about, apparently asleep. A quarter of an hour later, the officer was aroused by cries of "Murder!" What had taken place in the interval? It was impossible to say, with any certainty.

One of the least intoxicated of the prisoners deposed that he had been lying asleep, when he felt a man pulling at his legs. He looked up, and found that McConnan was trying to pull him off the bench. He understood McConnan to say, "If you wish to take Johnson's part, you will be served in the same way as him." Alarmed at this, he cried, "Murder!" whereupon some of the guard rushed in, and found that Johnson had been kicked to death. The prisoner's boots were covered with blood. The remainder of the prisoners seemed dazed, and only half awake.

The sole fact that let any light upon what had taken place, was that Johnson's coat was off; and it was consequently a reasonable presumption that he had taken it off to fight McConnan, and that a struggle had then taken place which had had a tragic termination. It was on these lines that I based my defence. I argued that the verdict ought to be one of manslaughter. The prisoner had received an excellent character from the officers of his regiment as a quiet, peaceable man when sober. The Judge, however, told the jury that homicide



is always presumed to be murder, and that the onus of reducing it to manslaughter rests entirely with the accused. He commented very strongly upon the quarrel alleged to have taken place in the public-house previous to the men returning to barracks, as tending to show malice on the part of McConnan towards the deceased.

In my address to the jury, I argued with some warmth as to the danger of thrusting men who were in an advanced state of intoxication into one apartment, and leaving them there like so many wild beasts. I declared that no human being could undertake to say what really happened in that narrow cell during those terrible ten or twelve minutes. "It is," I said, "a rude military discipline that, when the men are brought in drunk, they are locked up together like hounds in a kennel. Two of them get fighting—one is killed—none of the others remember what happened. Is the survivor of the fray to suffer death upon the gallows, and is malice to be presumed until it is disproved? In my judgment, such a conclusion is repugnant to all ordinary principles of justice."

The Judge warned the jury not to be influenced by the observations I had made. If, he said, a wrong state of things existed, no doubt when proper representations were made in proper quarters, a reform would be introduced. The jury found the prisoner guilty of murder, and he was sentenced to death, being, however, subsequently respited.

It was at about this period that I formed the pleasantest friendship of my life. I refer to the friendship of the then Attorney-General, Sir John Holker, known by all his friends—and their name was legion—as “Jack.” He was the kindest, the cheeriest, and the most lovable of men. After having filled the office of Attorney-General to the Conservative Government, he was raised by Mr. Gladstone to the high office of Lord Justice.

From 1877 until the time of his death, every year, after the grouse-shooting had commenced, I spent a few days with him at his beautiful country place, Colthurst, near Clitheroe, a property which he had bought when sitting Member for Preston, which is situated some fifteen or twenty miles off. It was a lovely place, and attached to it were several miles of fells, over which my host had the right of shooting. There was also a splendid river for trout-fishing within four or five miles of Sir John’s residence.

It was his chief delight to entertain his old friends and circuit acquaintances at this pleasant retreat. I really believe, indeed, that this was the greatest pleasure he derived from the distinguished position which, by hard work and enormous natural talent, he had gained.

Generally speaking, his August visitors were Douglas Straight, Mr. Aston, Q.C., Hosack, Barstowe, McConnell, and myself, they being, with the exception of Douglas and myself, circuit acquaintances.

Sir John’s high promotion made no difference to him.



He was always the same, never taking any pleasure save in the happiness and comfort of his old associates, in which respect he was very unlike many others who have arrived at the greatest height of distinction in their professions, and who seem never to be happy except when they are endeavouring to consort with persons supposed to be in a higher social grade than themselves. This indicates a state of feeling which, though I have frequently encountered it, has always, I confess, been inexplicable to me. Persons afflicted in that way always remind me of the story that was told of a very wealthy and eminent newspaper proprietor, who being, among other things, an uneducated man, was famous for the absence of his aspirates, and whose ambition it was, by means of his enormous wealth, to gather around him all the titled people that could possibly be scraped together. Having tolerably well succeeded in this purpose, he was asked one day, at a party he was giving, why he did not seem quite happy, whereupon, with a blank expression of face, he replied: “’Ow ’orribly ’ollow!” There was, as I have said, none of this nonsense about my dear old friend Sir John Holker.

On one occasion when I was on a visit at Colthurst, and Jack Dale was among the guests, he and I set out on a fishing excursion one morning with our host. The weather was perfect for trout, and everything seemed to promise favourably. When we were all engrossed in our sport, it happened that Dale and I became separated by a long distance from Sir John.

In the course of time I grew tired and lazy, and therefore waded out of the stream, rod in hand, to smoke a quiet pipe on the bank. As I sat watching my companion, I perceived that he was on the point of casting on the outside of something that looked very much like a whirlpool, and which I afterwards found was called the "Froth Pot." On a sudden the rod left his hand and was swept down-stream, and the next minute Dale himself disappeared. He was very fond of joking, and, never doubting that he was practising some novel form of fun, I burst out laughing where I sat. Several moments elapsed, and he did not reappear. Starting horror-stricken to my feet, I now rushed down to the bank of the stream, to discover, a few yards from where Dale had stood, a commotion in the water. The next minute a hand appeared above the surface. Luckily it was able to grasp a bough that overhung the stream. A head then appeared; and eventually Dale, after running a very great risk of being drowned, came safely, but very much exhausted, to land.

Ill news travels apace. We went into a neighbouring inn to get some brandy, and somebody must have carried tidings of the accident to Sir John, who, bent upon his sport, was some two or three miles away. Matters had been greatly exaggerated, and what Holker was told was that one of his two visitors had been drowned. He managed to get a lift in a butcher's cart that happened to be passing near the spot where he was fishing, and it was not long before he arrived

at the inn. I shall never forget the joy depicted on his face when he saw that we were both safe and sound.

On the road homewards he amused me very much by describing his feelings when the fatal news reached him. "I did not know," he said, "which of my friends I had lost. You know, my dear Montagu, such droll ideas get into people's heads under such circumstances. I kept wondering which it could be, and Dale being six feet high, and you such a little chap, I thought it must be you. You know how fond I am of you, but I am bound to say that a selfish thought came over me. I said to myself, 'If it's poor Montagu, I shall only have my wife to break the news to, for he's a widower; but if it's Dale, there is his wife, and she is staying with us. What on earth shall I say to her?' and I am afraid, my dear Montagu, that the court decided against you. But, dear old chap, if anything had happened to either of you, I should never have forgiven myself. I had no right to leave you, who are strangers to the stream."

Poor fellow! I shall never look upon his like again.

## CHAPTER VI.

DIVES QUI FIERI VULT ET CITO VULT FIERI.

The Turf Frauds—Description of the accused—*Sport*, a sham newspaper—"Mr. Montgomery" and his large winnings—Madame de Goncourt swallows the bait—The subsequent correspondence with "Mr. Montgomery"—Fictitious cheques—"The Royal Bank of London, Charing Cross"—Madame de Goncourt invests £10,000—She consults her bankers, and the bubble bursts—One of many frauds—The sentences—Mr. Willis's allusions to the "after-dinner decisions of bygone times"—The Judge, the "devil," and the little solicitor: an amusing incident.

ON the 13th of April, 1877, a celebrated case, known at the time as the Turf Frauds, came before Baron Huddleston in the New Court at the Old Bailey. The proceedings lasted ten days.

The prisoners were Henry Benson, Frederick Kurr, Charles Bale, Edwin Murray, and William Kurr. In the several indictments they were charged with obtaining by fraud £10,000. They were also charged with forgery.

The prosecution was conducted, on behalf of the Treasury, by the Solicitor-General, Mr. Bowen (then Attorney-General's "devil," and now Lord Justice),

and Mr. McConnell. They were instructed, not by the ordinary solicitor to the Treasury, but by Mr. Michael Abrahams, who had been the private solicitor to the prosecutrix, Madame de Goncourt, and had acted on her behalf when the proceedings were originally instituted. The counsel for the prisoners were Mr. Willis, Q.C., and Mr. Horace Ivory for Benson; Serjeant Parry and Mr. Grain for William Kurr; myself for Murray; Mr. Straight for Bale; and Mr. Besley for Frederick Kurr, *alias* Collins.

The frauds that had been perpetrated were, I think, the cleverest that have ever come under my notice, and this being so, it will, perhaps, not be out of place if I briefly describe the appearance of the various prisoners.

Benson, who was unmistakably a Jew, was of a very different stamp from his associates. He was a short, dapper, well-made little man. In the calendar he was described as being twenty-six years of age, but he had the appearance of being somewhat older. It was clear that he was a man of good education. His hands and feet were remarkably small, and he was dressed well, and in perfectly good taste, which is more than can be said of the majority of those who make their appearance in the dock at the Central Criminal Court. Benson had charming manners, and it transpired in the course of the trial that, during his sojourn in the Isle of Wight, and other places, he had moved in the very best



society. There could be no doubt whatever that Benson's had been the master-mind in a long series of frauds.

William Kurr, the culprit next in importance, was described as being twenty-three years of age. In appearance he was more like a well-to-do farmer than anything else. I am under the impression that, before he became acquainted with Benson, he had been a publican. His face wore an honest expression; but it does not always do to judge by appearances. I think that both in ability and craft he ran Benson very close.

My client Murray, whose age was stated to be thirty-two, was described as a clerk, and looked that part exactly. He, too, was scrupulously well-dressed, and I could not help feeling that, if he had really been a clerk, and an honest one, his services would have commanded a handsome salary. It was he who had conducted the correspondence, or the principal part of it, and done most of the draftsman's work.

The other two prisoners, Bale and Frederick Kurr, were mere nonentities, having been tools in the hands of their more astute confederates.

It would be impossible for me, in the space at my command, to give a detailed description of what took place at the trial. I must content myself with a brief outline of the story. Madame de Goncourt was a French widow in opulent circumstances, residing abroad. In the November or December of 1876, she received a copy of a paper called *Sport*—a title well calculated to

catch a foreigner's eye. It turned out that this paper was a sham. It was a fictitious journal, or, rather, the pretended number of a journal that had no permanent existence. It represented itself to be the property of a "Mr. Montgomery," who made pretence to an acquaintance with turf and stable secrets that had enabled him to win, not only tens of thousands, but millions of pounds in the English racing world. (With what shallow devices the greedy are caught!) It was represented in the journal that "Mr. Montgomery's" great success in racing matters had so angered the bookmakers, that it was impossible for him to continue to realise his enormous fortune, as he was boycotted. The article in the paper continued: "We have protested, and we shall never cease to protest until we have compelled these vultures" (the bookmakers) "to discontinue such unfair conduct, and until we have succeeded in obtaining justice for the commission agent." The article went on to state that, though fair market odds were refused "Mr. Montgomery," he might yet get them, at a disadvantage of a pound or two, by allowing foreign agents to execute his commissions in their own names. *Sport* then made this impudent assertion: "This cannot be done in England, where the rules of the Jockey Club void a bet made in an assumed name."

This fraudulent number of a fictitious journal was circulated abroad in quarters where the conspirators expected to find a victim, and Madame de Goncourt was among those who received a copy. The lady read



the paper and treasured it in her heart. She subsequently received a letter from "Mr. Montgomery" himself. "Your name," he wrote, "has been favorably mentioned to me by the Franco-English Society of Publicity, and I consequently repose in you the most esteemed confidence. What I require of you is very simple indeed. I will send you for each race the amount which I desire to put on the horse which must, in my opinion, win. You will have to forward the money *in your name*, but *on my account*, to the bookmaker, and thus will be able to get the real odds, which, on account of my success and great knowledge, are denied to me. The bookmaker will, on settling day, send you the amount, added to the stake originally forwarded to him. This you will please remit to me, and, on its receipt, I will forthwith forward to you a commission of five per cent."

Thus was the trap baited, and thus was the lady victimised. Madame de Goncourt became "Mr. Montgomery's" agent, and in that capacity she received a cheque for £200, with instructions to send it to Mr. Jackson, an English bookmaker. This she did, and a few days afterwards she received another cheque, drawn upon the "Royal Bank of London, Charing Cross." Of course there was no such establishment. The cunning rascals produced, not only a sham newspaper, but sham cheques drawn on a sham bank.

The amounts sent to the lady increased day by day. The second draft even was for £1,000. The victim

was instructed to forward it to a bookmaker named Francis, as a bet upon a particular horse for the Great Northern Handicap. "Mr. Montgomery" advised the confiding French lady to invest £1,000 on her own account with Francis, whom he described as a "sworn-bookmaker," borrowing the term, I presume, from "sworn-broker." Whether the lady looked upon the former as being bound by the same pains and penalties as the latter I know not, but this much is clear—she forwarded her cheque for £1,000; and, after being assured that the money had been invested in the most favourable manner, she was induced, in the course of a few days, to send to various "sworn-bookmakers" several sums amounting to no less a total than £10,000.

This enormous sum did not satisfy Benson and his accomplices. They were determined to go for the gloves, and, a few days later, came an epistle from "Montgomery," advising Madame de Goncourt to invest as large a sum as £30,000 with a "sworn-bookmaker" named Ellerton. "Never," ran the letter, "will you find a similar opportunity to win an immense fortune. If you have not the whole amount at hand, see what you can stake, and I myself will willingly advance the difference."

Now the lady, not having the money by her, as fortune would have it, determined to seek the assistance of her banker. Bankers, however, even foreign bankers, are shrewd men, and, as a matter of course, no sooner did the lady consult her banker than the bubble burst.

He saw at once that she had fallen among thieves, and he promptly caused inquiries to be instituted in London. It only required the delay of a post to discover that no such establishment as the "Royal Bank of London, Charing Cross," was in existence; that the vocation of a "sworn-bookmaker" was unknown in the English metropolis; and that her cheques, amounting to £10,000, had been duly presented and cashed.

Having been put in possession of the true facts of the case, Madame de Goncourt at once started for London. I believe she originally applied for assistance to the Lord Mayor. Fortune was kinder to her than might have been expected, and she ultimately succeeded in recovering nearly the whole of her money.

The £10,000, however, was but a small proportion of the money that the conspirators had managed to acquire. They had been pursuing a course of fraud for some years with the greatest possible success; and the question that naturally arose in one's mind at the time of the trial was: What had the detectives been about?

The scoundrels had changed Madame de Goncourt's cheques, had taken the proceeds in bank-notes, and had paid those notes into a Scotch bank, taking Scotch notes in exchange. They were under the impression that, as the Scotch notes bore no numbers, it was impossible for them to be traced. When the prisoners were arrested—three in Holland and two in London—most of the notes were found upon them.

. As I stated before, it would be impossible for me

to describe all that transpired at the trial. It would be equally impossible for me, in the limited space at my disposal, to give particulars of all the other frauds with which the prisoners were associated.

In the course of the proceedings, the term "mug" was frequently used by the conspirators in describing their victims.

It transpired that the malefactors felt their way gradually in the dishonest business in which they had embarked. With the proceeds of their first successful swindle they entered upon another, and a larger venture; and thus, step by step, they moved forward to great enterprises. To them fraud was a profession, and, it must be admitted, in that profession they fought their way to a high position.

The case was very well tried by the presiding Judge. He had only lately been raised to the Bench, and this was, I think, his first *cause célèbre*.

In the end, the jury found Benson, Bale, and the two Kurrs guilty of forgery and conspiracy. Murray, my client, they acquitted of forgery, but they found him guilty upon the general counts for conspiracy.

It was proved, after the verdict had been given, that Benson must have commenced his career of crime very early in life, as he had, in the same Court, been convicted in 1872. Benson was sentenced to fifteen years' penal servitude; William Kurr, Bale, and Frederick Kurr to ten years' penal servitude; and Murray to eighteen months' imprisonment with hard labour.

During the progress of the trial, Mr. Willis, in defending his client, happened to allude to the "after-dinner decisions" of bygone times; and I cannot help thinking that Baron Huddleston was rather short-memoried in not being able to recall the days when he practised as a skilful advocate at the Central Criminal Court. As if unable to understand what Mr. Willis meant, his lordship observed that, in the olden days the Judges used to dine at noon, and that with them the twenty-four hours were apportioned as follows: Eight hours for work and meals, eight hours for sleep, and eight hours for prayer. Perhaps so; but that was not what Mr. Willis meant by his reference to the "after-dinner decisions." The learned Judge probably understood his meaning pretty nearly as well as we did. He was alluding to the Monday and Wednesday dinners given at the Old Bailey during the Sessions, and described by Theodore Hook in "Gilbert Gurney." Readers of that novel will remember the occasion when the hero is invited by the sheriff to dine at the Sessions-house. The Judge, the sheriffs, and the members of the Bar having, as described in the novel, finished their two bottles apiece, go down into Court, followed by the guests; and then Gilbert sees the convicts brought into the dock, and hears one of the most awful addresses ever made to guilty creatures, delivered by a Judge who, but a few minutes before, had seemed to be of the world most worldly. The sheriff who sits near Gilbert is described as observing to his neighbour, with an expres-



sion of *bonhomie*, "As you have heard the sentence, you might like to witness the execution. We hang at eight, and breakfast at nine."

On the third or fourth day of the trial to which I have been alluding, a very amusing incident occurred. The Solicitor-General being absent, Mr. Bowen was in charge of the case for the Crown. Of course, Bowen was only the "devil;" and possibly the length of the case had somewhat irritated Huddleston. Be this as it may, his lordship, on entering the Court, seemed not to be in a very amiable frame of mind, and at once commenced to find fault with almost everything that had been done by the prosecution. Addressing the "devil," he said: "I don't see the Solicitor-General in his place, Mr. Bowen; but I wish to take this opportunity of stating that I consider that this case has been conducted (of course, I am not blaming the Solicitor-General) in a most slovenly manner. I took all the documents home with me last night, to see if I could get them into some kind of regular shape and order by the time I come to sum up this most involved and intricate case to the jury. Not a single paper, document, or exhibit is distinguishable—not one of them is either numbered or docketed. It is simply disgraceful!"

"Well, my lord," said Mr. Bowen, in that extremely polite and lady-like manner for which he was famed, "really, my lord, I can't agree with your lordship, for it was only last night, after consultation, that the Solicitor-General and myself, and those associated with



me, were remarking how admirably we were instructed, and how excellently the evidence had been marshalled and arranged."

"Really, Mr. Bowen," said the Judge, "I will not be contradicted; it is most unseemly in you. But after all, I have no right to blame you. It is those who instruct you to whom I am alluding, and (pointing to the little Jewish solicitor in the well) I see Mr. Abrahams there, whom I know by sight, instructing you. It is to him I refer, and it is with him I am finding fault. I am very glad he is present to hear my observations."

Upon this the little gentleman alluded to threw up his hands, and in a voice not loud enough to reach the Bench, and with an expression on his face that I will not attempt to describe, observed to his counsel: "My God! and when he was at the Bar, he used to take his hat off to me."

## CHAPTER VII.

Πολλὰ μετὰξὺ πέλει κύλικος καὶ χεῖλεος ἄκρου.

The Hungerford Murders: a case of circumstantial evidence—Finding the bodies—The suspicions of the gate-keeper aroused—Four well-known poachers arrested—Important clues: the broken gun, the man's cap, the tobacco-box, and the ferret-line—Impressions of the footprints in wax—My clients acquitted; the other prisoners convicted—Thoughts suggested by the trial—Story of Mr. Justice Lindley—How he over-ruled an objection.

IN this year a remarkable trial took place upon the Oxford Circuit, at Reading, before Mr. Justice Lindley. Shortly before this, he had been appointed a Judge on the Chancery side, and though he was not much versed in criminal matters, he tried the case to which I am about to allude most admirably.

The case was known as the "Hungerford Murders." The prisoners charged were William Day, William Tilbury, Henry Tilbury, and Francis George Tilbury. Mr. J. Griffiths, Q.C., with Mr. H. D. Green, prosecuted. I defended William Day and William Tilbury, and the other two prisoners were represented by Mr. Baker Smith. The trial caused very great excitement in the old Berkshire county town, and the Court was crowded daily to suffocation. The opinion was general that

the prisoners would be convicted. It was a case of circumstantial evidence. On the night of the 11th of December, a member of the Berks Constabulary, named Goldby, left the town of Hungerford to go on duty in the neighbourhood. It was the constable's practice previous to leaving Hungerford, to see, and if necessary to receive instructions from, his inspector, whose name was Drewett. It appeared, however, that, on the night in question, Goldby was unable to find him. He nevertheless proceeded on duty as usual along the Wantage Road.

A little way out of the town a lane branched off the road, and, to reach it, one had to pass a toll-gate, known as Denford Bar.

When approaching the toll-gate, the constable saw what he imagined was a drunken man lying by the side of the road. Extending his stick, he touched the prostrate form, which, however, did not move. Stooping down, he found that he was in the presence of a man's dead body. It lay in a great pool of blood. The skull had been battered in, and the brains were strewn around.

At the precise moment of making this hideous discovery, the constable heard the church clock strike a quarter to eleven. This fact was all-important at the trial.

Seeing nobody about, Goldby hastened along the road, and roused the keeper of the toll-gate. He then went back to Hungerford, and procured a trap, in

which he returned with all speed to the fatal spot. He now discovered that the corpse was that of a police comrade named Shooter. There was no doubt that the poor fellow had been brutally murdered. Underneath the body was found a broken gun-lock, saturated with blood.

Placing the corpse in the vehicle, the constable took it to Hungerford. He then, in consequence of information that he had received, returned to the scene of his discovery. Proceeding a little way further up Denford Lane, to his horror he came across another body. It was that of Inspector Drewett. The time that he made this discovery was about four o'clock in the morning. The body of Drewett, like that of Shooter, was lying at the edge of the road, in the grass. The head of the inspector was battered in, precisely in the same way as that of the constable. Under the second body found, was a man's cap.

The medical evidence went conclusively to show that, before death, Drewett had been shot in the neck; and, from the nature of the wound inflicted by the bullet, the doctors—who gave their evidence most scientifically—were able to show that the gun must have been discharged at a distance of only about six inches. There were fearful injuries to the skin, but the doctors gave it as their opinion that the gun-shot wound was itself of sufficiently serious a nature to have caused death. The head of Shooter had been so fearfully disfigured and smashed, that it was impossible to say

whether there was, or was not, a gunshot wound on it. The whole of the right side of the constable's head was missing. In all probability both he and Drewett had been taken unawares, disabled by a shot in the head, and then beaten to death.

The alarm had been given at the turnpike by Goldby at a quarter to eleven. It was proved in evidence that, a few minutes later, William Day and William Tilbury came up to the gate and had a conversation—I think, about the weather—with the gate-keeper. The suspicions of the latter were at once aroused. It did not transpire on what those suspicions were based, nor could the question be raised.

William Tilbury lived in the same cottage as William Day. There were three brothers Tilbury, who were employed at an iron-foundry in the neighbourhood. Day had married their sister. The other two brothers lived in the adjoining cottage. Day was described as a rat-catcher and rabbit-trapper; but there was no doubt whatever—indeed, it was a matter of notoriety in the district—that he was a poacher. Another matter of notoriety was that, wherever William Day was by night, the Tilburys were not far off. In point of fact these men, living in adjoining cottages, and bound by the ties of kindred, occupied themselves after sunset with poaching over the well-stocked coverts of the neighbourhood. Under the circumstances, therefore, it is not surprising that the appearance of my two clients, William Day and William Tilbury, at the toll-



gate, within a few minutes of the discovery of the body of Shooter, arrested attention. All four men were taken before the magistrates at Hungerford, and were committed to take their trial at the Spring Assizes of the County of Berks.

The evidence left no doubt that the constable and the inspector were both murdered. There was also no doubt that they did not fall in a chance *mêlée*. It was proved that the officers had their staves in their pockets, and it was therefore clear, as the weapons had not been removed, that they had been taken unawares by their assailants. The question was, who were those assailants? It transpired that, at about half-past seven on the evening of the occurrence, four men had been seen walking along the Wantage Road, not far from the place where the bodies were discovered. They were observed by a carter named Butt. He had recognised them as being the three Tilburys and William Day, and he had particularly noticed the cap that one of them wore. It was further proved that at about ten o'clock on the same evening, Day and William Tilbury were at a farm kept by a Mr. Piggott, and situated not far from the place where the murders were committed. A man named Bryant, who was the occupant of a cottage standing about fifty yards from the toll-gate, returned home with his daughter, on the night in question, at a quarter past ten. Five minutes later he heard voices, which seemed to proceed from outside his back garden. At half-past ten he heard the report of firearms. As



already stated, the body of the constable was discovered at a quarter to eleven.

The prisoners were all arrested in Day's house, early in the morning following the day on which the crimes were committed. Those who arrested them found on the premises a gun that had recently been discharged, and two bags, one containing shot and the other powder. At the back of the house were found a broken gun-stock, the butt of a gun, and a gun-barrel. The barrel was discovered under the earth, and the butt and stock beneath some long grass.

Under Drewett's body a trigger-plate was found, and upon examination, it was seen to exactly fit the broken gun discovered in the cottage. Further than this, the shot extracted from the inspector's wound corresponded in size and quality with those found in the bag. Near the constable's body a tobacco-box and a ferret-line were picked up, and they were both proved, by overwhelming evidence, to have belonged to William Day.

Testimony was given that the cap discovered at the scene of the murders had belonged to Henry Tilbury. Evidence, indeed, on this head was scarcely needed, for when the article in question was produced in Court, Henry Tilbury observed : "That cap is mine."

Close to the spot where Drewett's body had lain, there was a gap in the hedge. It opened on to a recently-ploughed field, across which the footsteps of four men were traced ; and it was clear from the nature.

of the footprints that the men had been running. Impressions had been taken in wax, and those impressions, together with the boots of the four prisoners, were exhibited to the jury, who were left to form their own conclusions.

In regard to Day I set up an *alibi*, but the witnesses I called in support of it did not come through their cross-examination very successfully. The case, I think, lasted three days, and after I had addressed the jury and Mr. Griffiths had replied, the Judge proceeded to sum up; and, regarding his remarks, I may say that, though exceedingly fair, they were most unfavourable to the prisoners.

In the end, the jury found my two clients, William Day and William Tilbury, "Not Guilty." The other two brothers Tilbury were convicted, the younger being, however, recommended to mercy on the ground of his extreme youth.

I cannot help thinking that this case furnishes an additional argument to those already brought forward by me, in favour of the establishment of a Court of Criminal Appeal. Had such a Court existed, I should not have been able to point out to the jury that, while in cases of all crimes short of murder, an erroneous verdict can be quashed; in cases of actual murder, if a verdict is returned which, though carefully weighed and conscientiously given, is yet erroneous, no earthly power can restore the life forfeited to the law. I think I am right in saying that, in acquitting my two clients,

the jury were influenced by the considerations I thus brought under their notice.

The case, as I said before, was entirely one of circumstantial evidence. Everything depended upon minute calculations of time and distance, full particulars of which I have, of course, not been able to place before the reader. I am bound to admit, however, that, though the case was one of circumstantial evidence, it was circumstantial evidence of the very strongest description.

The two Tilburys who were convicted, were sentenced to death, and duly executed.

When there was an amalgamation of the common and Chancery Courts, and when common-law counsel were made Judges on the Chancery side, and Chancery counsel were made Judges on the common-law side, it was suggested that the Judges from the Chancery side, who knew nothing whatever of criminal law, would be absolutely useless, and, in point of fact, dangerous. The contention certainly could not have been upheld with truth in regard to the learned Judge who presided over the proceedings just described, for, in all my experience, I never knew a case more admirably tried. His lordship is now Lord Justice, and is free from circuit troubles. I may relate a good story that is told of him, and which has reference to the time when he was first made a Judge. In those days there were the Courts of Queen's Bench, Exchequer, and of Common Pleas. He was appointed the Judge of the last-named.

In one of the first cases that he tried, a very trouble-

some and unruly counsel was engaged. This gentleman, indeed, was not by any means a *persona grata* in any of the Courts. Finding himself before a new Judge, he no doubt thought that he could behave with even more freedom than usual, and he accordingly proceeded to badger and harass his opponent in every conceivable way, taking exception to nearly every question that was put.

Poor Mr. Justice Lindley did not know what to do, and he was exceedingly glad when the hour for luncheon arrived. In those days there was a common-room to each division, and the Chief Justice and his puisnes lunched together. The Chief Justice of the Common Pleas, was, I may mention, at that time the present Lord Chief Justice of England.

When Mr. Justice Lindley entered the room, he found his brother Judges already seated at table. He was rather red in the face from the excitement he had just gone through, and the Chief Justice, observing this, said :

“Why, brother, you look rather ruffled. What’s the matter?”

“Well,” said Lindley, in his quiet way, “there’s a most dreadful counsel in my Court. He keeps objecting to everything. I don’t know what to do with him.”

“What is his name?” said the Chief Justice, quietly discussing his chop.

Lindley mentioned the name of the counsel in question.

“Oh, Mr. ——!” replied the Chief Justice. “My dear Lindley, over-rule his objections—over-rule every objection that he makes.”

Luncheon over, the new Judge returned to his Court. A question was put by the advocate opposed to the obstructionist, and was duly objected to, whereupon the Judge, repeating the words of the Chief Justice, said: “Mr. ——, I over-rule your objection, and I over-rule every objection that you make.”

## CHAPTER VIII.

QUIS CUSTODIET IPSOS CUSTODES ?

A mystery solved—Leading police officers charged with conspiracy—Kurr's record: autobiographical particulars—Swindle upon swindle—The police assist, and are liberally remunerated—Benson had moved in the best society—Corrupting the Newgate warders—Benson's grovelling letter to his father: an instance of doubtful sincerity—A letter of another kind from Benson: a language of double meanings—Have we had a proper detective force since ?

IN describing the frauds practised upon Madame de Goncourt, I drew attention to the fact that a gang of swindlers had been carrying on their business without let or hindrance from the police. What had the detectives been about ? was the question on everybody's lips when the facts came to light. The mystery was soon solved.

The perpetrators of the De Goncourt frauds, when in Newgate, found means to communicate with one another, and it was not long before they determined to give evidence to the Government that would bring home a charge of conspiracy to the chief officers of the Metropolitan detective force.

Chief-Inspectors Druscovich, Palmer, and Clarke, Inspector Meiklejohn, and Mr. Froggatt (the solicitor



who had originally been entrusted with the defence of Benson and Kurr) were duly charged at Bow Street, and were committed to take their trial at the Old Bailey.

The trial commenced on Thursday, October 25th, 1877, and occupied twenty-two days. The Attorney-General (Sir John Holker), the Solicitor-General (Sir Hardinge-Giffard), Mr. Gorst, Q.C., Mr. Bowen, and Mr. Cowie, appeared for the Treasury. I, with Mr. Walter Ballantine, defended Meiklejohn, who was first on the indictment; Druscovich was represented by Mr. Straight; Palmer by Mr. Besley and Mr. Grain; Froggatt by Mr. Collins, Q.C., Mr. Ivory, and Mr. Kisch; and Clarke by Mr. Edward Clarke and Mr. Charles Mathews. Baron Pollock tried the case.

The proceedings attracted great public attention, and the Court was thronged every day.

The charge was, in effect, that those accused of defrauding Madame de Goncourt had, acting with others, been engaged in defrauding the public by various means, and that the police officers on their trial had entered into a conspiracy with them to aid them in their proceedings, to prevent their being arrested, and generally to pervert the due course of justice.

The principal member of the gang of swindlers was William Kurr, who showed in his examination and cross-examination, that he was a man of great ability, nerve, energy, determination, and courage.

He was the son of a baker, and only twenty-six years of age. He stated that when fourteen years old he was a clerk on the South Eastern Railway, and that he ran away from the situation at the end of twelve months. He now took to racing and backing horses, and afterwards became a clerk to a money-lending company, called the Grosvenor Investment Society. Then, to quote his own words, he "continued for the rest of his life, up to the time of his arrest, to derive his living by swindling and plundering the public." As far back as 1873 he was engaged in a betting agency in Edinburgh, carried on under the name of Philip Gardiner & Co. The company invited the public to invest money with it, in order that the amounts might be laid out advantageously in bets. An announcement was made to the effect that the company was in possession of knowledge that would render success absolutely sure. The credulous public contributed largely, and never saw a penny back. The company did not make a single bet, and the whole thing, from beginning to end, was a sham and a fraud.

The truth having leaked out, the swindlers decamped, and recommenced business elsewhere. Meiklejohn was the first of the detectives seduced from their duty, and he now appeared upon the scene. He rendered important services to the gang by forewarning them when warrants were issued against them, and by giving them other useful information. He received £100 for his pains.

It was after the collapse of the Grosvenor Investment Society, that Kurr introduced Meiklejohn to Benson. Benson was a Jew, and, though a British subject, had received the greater part of his education in France.

In 1872, he had been arrested for perpetrating a fraud on the then Lord Mayor, and had been sentenced to a year's imprisonment. While in Newgate he had attempted to commit suicide by setting fire to his bed-clothes. He received very severe injuries from the conflagration, and when he came out of prison was a cripple, and unable to walk.

Having changed his name to Young, Benson, in 1874, advertised for literary employment. Kurr and his associates were at that time carrying on a fraudulent betting scheme in Scotland, and in order that they might extend their sphere of enterprise beyond Great Britain, they desired to obtain the services of one who could translate their circulars and announcements into foreign tongues. The advertisement proved the means of bringing the two men together; they found that they could be of use to one another; and very soon an intimate friendship sprang up between them. Benson forgot the good resolutions he had made upon coming out of prison, and devoted himself heart and soul to assisting in the carrying out of the fraudulent schemes that the gang had in hand.

In 1874, an agency, called Archer & Co., was set on foot in London, with offices in the Strand. The

agency was, to all intents and purposes, another Gardiner & Co. Kurr, in his cross-examinations by me, spoke of it as not a very remarkable transaction, and said: "We only made some eight or ten thousand pounds out of it." It was in this way that these worthies calculated figures and amounts. In a short time the agency was temporarily put an end to through the instrumentality of the defendant Druscovich. I was always very sorry for this prisoner. He had been one of the most able officers in the force, and I am certain that it was only a temporary want of money that induced him to go wrong. His Mephistopheles was my client Meiklejohn, who would have corrupted a regiment. It appeared that Druscovich had intercepted letters sent to the firm from France. The police having thus got scent of what was going on, the agency was removed, first to Brighton, and then to Scotland.

Of course the whole of this story was told by Benson and Kurr in the witness-box. The Attorney-General asked the jury only to adopt their testimony when it was corroborated. Two letters were put in with regard to Archer & Co. They were written by Meiklejohn to Kurr. One ran as follows:

"DEAR BILL,

"I should like to see you to-morrow at my place before 9 p.m. I have a letter from Glasgow. I now go on duty from 11 a.m. to 5 p.m. Wire a line if I may expect you."

The other letter was in the following terms :

“DEAR BILL,

“Rather important news from the north. Tell H. S. and the young one to keep themselves quiet. In event of a smell stronger than now, they must be ready to scamper out of the way. I should like to see you as early as possible. Bring this note with you under any circumstances. The brief is out—if not, it will be, so you must be sure to keep a good look-out.”

Kurr explained that the word “brief” meant “warrant.” It was at this time that Meiklejohn received for his services a sum of £500. So profitable did the venture prove, that Benson was enabled to go and live at Shanklin in comfort and good style; and it was most amusing to notice, during his cross-examination, how anxious he was to show that he had mixed among good people. His house at Shanklin was called Rose Bank. He kept servants, horses, and carriages, and, indeed, lived in a most sumptuous style, almost as one of the aristocracy. It was while living at Shanklin, that Benson was alleged to have been visited by Chief-Superintendent Clarke, who, it was suggested by the prosecution, had been gradually drawn into the services of these schemers on being paid large sums of money.

Telegrams and letters—irresistible proofs in themselves—were put in as evidence. Independent witnesses



deposed to interviews of an extremely suspicious character between the police officers and the convicts. Bank-notes which had been known to have been in the possession of Benson and Kurr, were found in the hands of the detectives.

Druscovich, as already indicated, had been drawn into the conspiracy almost involuntarily. While in pecuniary difficulties he had been persuaded to accept a loan from Meiklejohn, and from that moment he became an unwilling instrument in the hands of the gang. Palmer had been bought over much in the same way. In return for the accommodation received, he rendered the swindlers an important service. He despatched a timely telegram that enabled them to escape arrest.

It appeared that such was the contaminating influence possessed by these men that, while in Newgate, they established a regular means of communication among themselves, which, to say the least, indicated that somebody had, in the phraseology of the hour, been "got at." In point of fact, even after their conviction, in some mysterious way they obtained possession of an apparently unlimited amount of money, with which, it would seem, they were able to seduce from his duty and allegiance every person with whom they came in contact. One letter written by Benson, and given into the hands of a warder for delivery, was stopped *in transitu*, and was read in Court. It was written to his father, and ran as follows :



“MY DEAR FATHER,

“You may imagine what depths of despair and distress I must have reached to dare to address you, whom I have so fearfully wronged and grieved ; but in you is now centred my only hope, and, therefore, it is better that I should face your just wrath than depute a third person so to do. I will not, nor can I—for I am so sick of hopes so constantly deferred—tell you how, each day during the last six weeks has dawned with a faint prospect of success, and how it has closed with no hope. To live as I have done for months now, is worse than death. I am now driven to the limits of my reason. I have lost all hopes ; despair has hold of me, and in the extremity of my need, I turn to you who are my father, and beg you to save me. I know I have no right to ask you for anything, nor would I even do so were you to run any risk ; but you, under God, have it in your sole power to save me from my doom. Were I to tell you what the result of my reflections has been—that I have formed, and with God’s help will carry out, good resolves—you would probably, and also reasonably, retort, ‘ I don’t believe you. You have made so many professions, and so few promises have you kept that I will not, and cannot believe you.’ Yet I am sincere this time, so help me God. I intend to carry out my good resolves if I am set free, and I intend to commit suicide if I am convicted. I can do you one good turn by saving you from the fear of *exposé* from a *cause célèbre*, and I will do so, for my

judges I will not face. What mercy could I expect from strangers, when my own father refuses to save me? But is flesh and blood nothing? Am I not flesh of your flesh, bone of your bone, and is not blood stronger than water?"

I asked Benson whether or not he was sincere when he wrote that letter. He swore most positively that he was sincere in the sentiments he thus expressed. The date of the letter was the 20th of the month. I then produced a letter, written from him to Kurr, which was intercepted on the 21st of the same month. It ran as follows :

"Another straw for us to cling to. Supposing Baxter were of Batty's opinion, here is our negotiations. Forbes" (he explained that "Forbes" meant "Madame de Goncourt") "says 'I won't be married'" (meaning, "I won't prosecute"). "We know this. We send that fellow Matty to his dear friend Monkey" ("Matty" was Mr. Humphreys, the solicitor; "Monkey" was Mr. Abraham, who represented the Treasury). "The family have settled with Forbes; she won't come. You have a good excuse therefore to close up the whole affair, you pretending to figure, and my clients will, if you drop it and Forbes be satisfied, give you some Flower-show information" (he explained that that meant "information concerning the police"). "Monkey's honour will be saved and Cowdry satisfied. Monarch gets what he fancies will enable him to renovate the

Gardiner's system" ("Monarch," he explained, was the Treasury; and he added that the language used was thoroughly understood between Kurr and himself) "as Thomas Taper can say nothing, and the country will be saved a lot of expense. This, I fancy, will suit the d——d fool Baxter" (a solicitor). "He will be able to show his pomposity and say: 'Through me the whole affair is ended. Through me Monarch knew all about it.' Indeed, yesterday, the beast began winking at me, and said, 'You will never know what I have done for you; but you will find the good of it later.' Yes; fifteen pen'orth" (he explained that that meant that he had no faith in his solicitor, on account of his ridiculous vanity). "So our position is simply this. If Baxter says 'You are all right provided Forbes does not get married,' then we tell Matty to go and consult and learn his lessons from a clever man. If he says Batty is right, I leave it to W. to decide whether or not we adopt the Gardiner's scheme, besides satisfying Forbes. If not, we must prepare for the very worst. If I am not able to send out my flick to Sheerness," (that meant, his letter to a man named Colkitt) "don't detain Batty long, but pack him off at once. If Baxter says we are right, then Sheerness goes to Batty the first thing to-morrow. Baxter is my man." (On being asked who he meant by his repeated references to "Baxter," he said "Mr. George Lewis.") "Harwood has planned and schemed all his life, but he never planned and schemed half so

much in his whole life as he has done for the last three days." ("Harwood," he explained, was himself.) "Be sure you put Sheerness' letter in a sealed envelope. I have not, and it is not good enough to give it open to a screw" (a warder). "Harwood will leave it with Batty. Instruct Batty to send it forthwith to Keeturs" (that meant Colkitt). "I will arrange with Elong or Mat Moppy" (Elong, he explained, was a warder who had left). "Do not give Fathead any flicks for outside" ("Fathead" was another warder). "He is on duty to-night, and will call on you for flicks for me every half hour; so be ready when he calls" (he explained that "flicks" meant letters). "Elong is the only one in whom any faith is to be placed. He is the only one who knows of the Hatton haunt. A thought has just struck me about Hood. He says that everything is so awfully dear in Dublin" ("Dublin" meant Paris), "and he forwards the amount of his bill, which is under £6, and he has had £40. It shows that he takes us for fools not to know the value of Irish money" (French money). "He will get the diamonds, and gang to Hockeyland" (that meant, "he will get the money and go to New York"); "this I defy him to do unless he cracks Pool's drum, which God forbid."

Having read this letter, I asked the witness: "Do you still say that you were sincere when, within the twenty-four hours, you wrote that letter to your father?" He blandly answered, "Yes;" and that concluded my cross-examination.

I have of course been unable to go at any length into the evidence given at this trial, lasting as it did nearly a month. I have not been able to deal with the charges brought against Froggatt. Suffice it to say that these men had induced him, in his professional capacity, to assist them in their schemes.

In the end, all the defendants, with the exception of Clarke, were convicted and were sentenced to the highest punishment awarded by the law for their offence—namely, two years' imprisonment.

I have always considered that this trial was the breaking up of the Metropolitan detective force. The men who were convicted had been, before they were led away from their duty, leading and important officers ; and, so far as I know, from that day to this, the force has never been properly and systematically reorganised.



## CHAPTER IX.

"OBSTUPEUIT STETERUNTQUE COMÆ ET VOX FAUCIBUS HÆSIT."

Charge of assault against Sothern, the actor—An elderly vermin-destroyer and spiritualist—Sothern and Toole give an invitation to a *séance*—The medium—A culminating marvel—The *dénoûment*—Sothern apologises, and the affair blows over—A jealous butcher murders his wife—The lenient sentence—Scene outside the Court-house—A bystander's humorous observation.

I WAS counsel in rather a strange case that came before the magistrate at Marylebone Police Court. The defendant, whom I represented, was my old friend Sothern, the actor. The charge against him, which was one of assault, was of rather an unusual character.

He, Toole, and a friend of theirs named Addison, a stock-broker, had become acquainted with a man of the name of Tiffin, who had made his fortune by exterminating from houses that most disagreeable of insects popularly known as the "Norfolk Howard." He had retired from business, and become a disciple of spirit-rappers and spiritualists generally. This peculiarity of the old gentleman's—he was about sixty years of age—had become known to Sothern and Toole, and they determined to have some fun



at his expense. Mr. Tiffin invited the two comedians to dine one Sunday at his villa in St. John's Wood, and it was during the progress of the meal that Sothern solemnly announced that both he and Toole were, themselves, spiritualists, and that Toole was a remarkable medium. Ultimately it was arranged that they should all go and sup one evening at the house of Mr. Addison, in Regent's Park, and that there they should have some spiritualistic manifestations.

Sothern, Toole, and Mr. Addison now put their heads together to produce some wonders that would startle the unsophisticated old gentleman. They even went the length of fixing galvanic apparatus into the walls of the house at Regent's Park.

Mr. Tiffin duly arrived at Mr. Addison's on the appointed evening. All sorts of mummeries were gone through, and, among other things, the old gentleman was directed to place his hands on certain parts of the walls. He did so, and, owing to the presence of the batteries, was nearly knocked down by the shocks he received.

Mr. Tiffin was greatly impressed by the wonders brought under his notice.

When the fun had been going on for some time, the company sat down to supper. The meal was pursuing its prosaic course, when, on a sudden, Sothern jumped up, and exclaimed: "Toole is seized with a fit! A spiritualistic power has descended upon him, and he can't shake it off!"

The face of Toole was horribly contorted, and he groaned piteously.

Sothorn, as though frightened out of his wits, jumped up from his seat, and got under the table. Mr. Addison followed his example, and the old gentleman, with undignified haste, promptly joined them.

Poor terrified Mr. Tiffin peered at Toole from under the cloth; and it must be admitted that the comedian's demeanour and behaviour were calculated to arrest attention. Slowly, and with a savage gleam in his eyes, he produced knives from all parts of his body.

It was too much for the old gentleman. Scrambling to his feet, he rushed from the room, passed out at the front-door, and fled for his life down the street. He was hatless, and in his shirt-sleeves; for, during the spiritualistic manifestations, he had been persuaded to divest himself of his coat.

Sothorn and Mr. Addison followed in the footsteps of the elderly vermin-destroyer, and Toole brought up the rear. It was between three and four o'clock in the morning.

Mr. Tiffin continued his flight through many streets. His pursuers gradually gained upon him, and apparently his alarm increased when he heard the footsteps behind him. Taking a sudden turn to the right, he entered some fields, ran across them, and presently came up to a brick wall. In his panic, he climbed over this obstruction, and then, his strength being exhausted, he sank upon the grass on the other side.

He seems to have lain there until daylight broke, when, finding some way out of the enclosure, he proceeded home as best he could.

Such was the assault for which Mr. Tiffin summoned Sothern. What was to be done? I suggested that I, with a solicitor, should see the complainant personally before the case came on, and try to appease him. Full well I knew the danger of placing Toole and his companion in the box. They were too fond of practical joking to be of any use as witnesses.

My efforts with the prosecutor proved successful. He accepted a handsome apology from Sothern, and the summons was withdrawn.

I was specially retained in a somewhat sad trial that took place, about this time, at the Northampton Assizes.

A butcher was charged with murdering his wife. The accused was a successful tradesman in the town, a member of the Volunteer Force, and a good all-round sportsman. He was about six-and-twenty years of age, and his wife was a little younger. It appeared that, though passionately attached to her, he came to look upon her conduct with suspicion. The subject of his jealousy was a sergeant of the Black Watch, a good-looking and strapping fellow, home on furlough.

There was no doubt that the poor butcher had good grounds for his misgivings. His wife was in the habit of meeting the sergeant and taking long walks with him.

The soldier had been friendly with the butcher; but the latter had a conversation with his wife respecting the former, and told her not to encourage him at the house.

The butcher returned home one evening, and found his wife entertaining the soldier to supper. Wishing to avoid a scene, he said he was not hungry when his wife asked him to sit down to table. He then left the house and walked about outside.

When the soldier took his leave, the butcher returned indoors and had a serious quarrel with his wife. He then went upstairs with the intention of going to bed, leaving his wife in a somewhat sleepy condition in the sitting-room. On reaching the bedroom he did not undress, but threw himself into a chair and began to turn matters over in his mind. While thus occupied he fell into a doze. When he woke up and looked around, he found that the candle was still burning in its socket, and that his wife had not yet come up. He went downstairs, found the front-door open, and passed out into the street, where he found his wife talking with the sergeant. Returning hurriedly to the house, he snatched a carving-knife from the supper-table, and rushed out again into the street. Running up to his wife, he plunged the knife through her heart, and she fell dead at his feet.

The poor fellow was filled with remorse. At the trial I did my utmost to save him. The Judge ummed up somewhat for a conviction; but the jury,

adopting my view, acquitted him of murder and found him guilty of manslaughter, adding a strong recommendation to mercy. He was sentenced to twelve months' imprisonment.

This was my only experience of Northampton, which, as I need hardly remind the reader, is somewhat of a rough place.

There was at that time no robing-room in the Court ; so we had to put on our war-paint in the hotel, passing to and fro in wig and gown.

On returning to the hotel, I was followed by an enormous crowd of the butcher's sympathisers. Many of them insisted upon shaking me by the hand, and, between them, I was almost torn to pieces.

One individual, to show his gratitude, slapped me on the back, and exclaimed : " I say, gov'nor, if you come down here and preach, darned if I don't go regularly to church on Sundays ! "

Such was my experience of a Northampton audience.



## CHAPTER X.

### LEX TALIONIS.

My fondness for dogs—Rob—He disappears—The “Forty Thieves” — Unsuccessful efforts to find my favourite — Visit from the mysterious stranger—Waiting outside Shoreditch Church in the snow—Delays, precautions, and haggling—Rob is returned—The “Family Relic”—Two years later: I prosecute my Shoreditch friend—He is staggered at the sentence.

I HAVE always been very fond of dogs, and believing as I do that no home is entirely comfortable without, at any rate, one of them, I presume that my fondness for the species will never be diminished. Some years ago I could boast the possession of one of the handsomest collies I have ever seen. What a splendid fellow he was! He was magnificently marked—black-and-tan; he had great, staring eyes, and his coat was as black as jet. As faithful a creature as ever came to heel, he was my particular companion and my peculiar friend. Fond enough of the rest of the household, and not averse to the caresses of the children, he was perfectly conscious that I was the boss.

My collie's name was Rob. He was made a present to me by a very intimate lady friend of mine. She



purchased him from one of the keepers of Fleur's Castle, and handed him over to me with his name, age, and parentage written on a piece of paper attached to his collar.

One day, in the winter of 1877, while walking home from the Temple to my house in Upper Brook Street, I observed, in the shop windows, a number of handbills offering rewards for the restoration of "lost, stolen, or strayed" collies. The dog-stealers were having a good time of it. The "Forty Thieves," as I afterwards learnt they styled themselves, were levying black-mail on the dog-owners living in the fashionable quarters of the metropolis. As I walked along, my favourite following an inch or two from my heel, and wearing the appearance of one who scented danger, the thought occurred to me: What if Rob were to be stolen—what if one of the dog-stealers, with a device which even he could not withstand, were to seduce my trusty vassal from his allegiance? The mere thought made me uneasy, and, on my return home, I gave special orders to the servants to keep a sharp eye on my favourite, warning them that I should hold every member of the household responsible for his safety.

Our joint anticipations—mine and Rob's—were shortly afterwards realised. On the following Sunday morning the calamity occurred. Before I got up, Rob, who always slept in my room, crept noiselessly downstairs, no doubt thinking that, as it was the Sabbath, I was entitled to a little extra sleep, and ought not to

be disturbed. Finding the front-door open, he strolled out into the street.

Soon afterwards I got up and whistled for my friend. There was no answer, and presently I discovered, to my horror, that he was gone. In a moment the whole household was in a state of consternation. The neighbourhood was scoured. The police stations were visited, and inquiries were made in all quarters. We could not, however, find a trace of the dog. What on earth was to be done? What were the best steps to take to recover him? We held a family council, and came unanimously to the conclusion (a perfectly wrong one, by the way) that the wisest course to take was to employ a detective, and authorise him to issue handbills offering a reward for the restoration of the absentee. This was done, the reward offered being £10.

Day after day passed; new bills were issued, advertisements were inserted in the daily papers, the reward was doubled—but all in vain.

About three weeks after the date of my dog's departure, I was sitting in my chambers reading briefs. My clerk entered, and announced that a man had called who stated that he wished to see me on urgent private business, but that he must decline to give his name. The man was shown in, and the moment he entered I had a correct presentiment as to the nature of his business.

"Lost a dawg, sir, I believe?" said he, "collie dawg, valuable dawg, sir. I've heard of one which answers the

description from nose to tail. If it's all square and right, guv'nor, I knows a pal of mine as might be able to work the hanimal back."

So anxious was I to recover Rob that I was willing to agree to any terms, and gave in without further par-lance. It was arranged that I was to bring the money (£20) in gold to Shoreditch Church at half-past seven o'clock that night.

At the right time I sallied forth to keep my appointment. I don't think I was ever out on a worse evening. The wind was blowing a hurricane, and a mixture of snow and hail was falling. It was certainly not a fit night to turn a dog out—but I was going to try and bring one home. Passing from King's Bench Walk across the Temple Square, and through Serjeants' Inn into Fleet Street, I hailed a hansom, jumped in, and, in about five-and-twenty minutes, was standing on the pavement outside the railings of Shoreditch Church.

For some time I stared anxiously through the snow and mist without seeing a soul. Presently, however, a man, with a peculiarly halting gait, emerged into sight, and came shambling up to me.

"Dawg, sir?" said he, touching his hat, "come about a dawg lost in Upper Brook Street, £20 reward? Are you the gentleman?"

It was not a night to stand arguing, so I quickly gave the stranger to understand that I *was* the gentleman, that I wanted my dog, and that I was quite prepared to hand him over the money.

“Wait a minute, sir,” he said. “Business can’t be done in that sort of way. You are not on the cross, sir, by yourself? No coppers about, eh?”

I hastened to assure him that he had nothing to fear from me, that I had given the necessary promise to his agent in the morning, and that my word was my bond. To my astonishment and disgust, he then informed me that the dog was not in his possession, but that, if I followed him to the second-class refreshment-room at Bishopsgate Station, the transaction should be completed. It was, I confess, with great difficulty that I kept my temper. Muttering something not very complimentary to my guide, I told him to lead the way, and that I would follow.

When we were close to the station, my companion was joined by another man. We all three then proceeded down the platform, to a dark corner near the second-class refreshment-room.

“Now, sir,” said the man whom I had encountered outside the church, “give us the quids, and in five minutes you shall have the dawg.”

I thought this rather a cool request, and explained that the proposal would not suit me at all. I was not such a fool, I said, as to hand him the money before he handed me the dog. A good deal of haggling then took place between us, and it was finally arranged that he should go and fetch the dog, while his friend remained by my side with the twenty sovereigns in his hand.

In a few minutes the man returned with Rob. The sagacious creature, on catching sight of me, nearly broke away from the rope by which he was led. The transaction was now duly completed ; I took the dog, and the man who had restored the animal took the money.

It was bitterly cold, and wishing (for reasons I will presently explain) to know something more about my companions, I invited them to come into the refreshment-room and have something to drink. Needless to say, the offer was promptly accepted. Standing beside the bar, we had a tolerably long chat. My Shoreditch friend, after partaking somewhat liberally of hot whisky and water, described, in answer to my questions, the manner in which the dog had been abducted. He explained that he and his companions waited for days before they could capture Rob, and that, on being enticed from the street-door on the Sunday morning, he was bundled into a covered baker's barrow in waiting round the corner.

I ventured to remark to my two acquaintances that they must be doing a thriving business, £20 being a large sum to receive for the restoration of one dog. The answer I received was that it was "only two quid apiece, as there are ten of us in it, and it is share and share alike." I then somewhat modestly remarked that, knowing who I was, I thought it rather too bad of them to steal my dog.

"Ah ! that's the best of it," said one of them. "Lord, sir, you should have seen how my pal Bill here



did laugh. 'Ain't it rather hard,' says I, 'to take the counsellor's dawg?' 'Not a bit, Jim,' says he; 'he's had a good lot out of us, and why shouldn't we get a little out of him?' "

The two scoundrels went into a fit of laughter, and I am very much afraid that I joined in the merriment. As I said before, however, I had my own reasons for prolonging the interview. The truth is, a friend and neighbour of mine, living in Norfolk Street, Park Lane, had lately lost her collie for the fourth time. For weeks she had been endeavouring in vain to recover the animal. I now introduced the subject of my neighbour's loss, and was not long in discovering that the collie was in the hands of these Philistines. After ordering some more whisky and water for the party, I offered half the sum I had paid for the recovery of my own dog, for the recovery of my friend's. This they seemed to regard as an excellent joke, and on my venturing to remind the Shoreditch gentleman that the collie in question was an old one and not so valuable as mine, the scoundrel replied :

"Quite true, sir; he's an old 'un, and not so much value in the market as the other. He wouldn't do for exportation like yours" (here was a fate my poor friend had been saved from!); "but he belongs to a lady. She's so fond of him; and the gents, too, they dotes on him. He's a reg'lar old family relic. You must spring a good deal more on him before you can expect to get him back."



This was rather more than I could stand, and feeling that there was no chance of the negotiations coming to a successful issue, I proceeded, in rather forcible terms, to give the speaker a piece of my mind.

“Not going to round on us, guv’nor?” he replied; “not going to round? We knew that we could take the counsellor’s word, and he ain’t a-going to break it?”

I at once put his mind at rest on that score. I added that though, according to the treaty, he was safe for that night, it was not likely I should forget the features and appearance of the man who had helped to deprive the “counsellor” of his favourite dog.

The interview was over. Muttering something, the two men hurried off. Rob and I jumped into a hansom, and within an hour, both of us were at home, asleep before the fire.

Two years passed away, and once more it was clear the “Forty Thieves” were at work. They levied contributions from the public with more daring than ever. Things came to such a pass, indeed, that the authorities had to take the matter up.

In my official capacity as Counsel to the Treasury for the County of Middlesex, I was instructed to prosecute various dog-stealers who had been arrested by the police. The very first case of this description was that of a man who had frequently been convicted for the offence. By statute, the maximum punishment for dog-stealing, even after previous convictions, is only eighteen months’ hard labour; a dog, for some reason

or other which I never could understand, being, by the law of England, regarded as not a chattel. On reading the depositions before drawing the indictment, I found that the dog, when stolen, had a collar on. I resolved, therefore, to draw two indictments: one for felony (stealing the collar); the other for the statutable misdemeanour of stealing a dog, after previous convictions for the same offence. I determined to try the man for the misdemeanour first, and then, if he were convicted, to proceed with the charge of felony. The truth is, I had not forgotten the £20.

The indictments were preferred and found, and the prisoner came up to plead. Judge of my astonishment and delight when I found myself face to face with my old Shoreditch friend. He recognised me at a glance, and the expression of the rascal's face was most ludicrous. From start to finish of the trial, he never took his eyes off me once. During my opening of the case his face grew longer and longer. He seemed not to pay the slightest attention to his own counsel, Mr. Thorne Cole.

The jury returned a verdict of "Guilty;" and when I expressed my intention of trying the prisoner again, for the theft of the collar, he seemed to give a long, low kind of whistle.

The second trial took place, and the man was again convicted. He was sentenced to eighteen months' imprisonment for the misdemeanour, and twelve months' for the felony, the terms of confinement to run consecutively. It is a known fact that habitual criminals.

prefer penal servitude to two years of hard labour; and it was clear that the prospect of thirty months on the latter condition somewhat staggered the prisoner. He put his hand up to his head, and, looking very hard at me, muttered, as he was hurried off to the cells: "Thought he'd have me some day. He's made me pay d—— dear at last for those pieces."

## CHAPTER XI.

### HORRIBLE DICTU.

The Penge mystery—A mercenary marriage—The wife's wrongs—Slow starvation—Death of the baby—Dying in the garret—Mrs. Staunton is moved to Penge—Shocking discoveries at the *post-mortem* examination—Dr. Longrigg withdraws his certificate—The praise due to him—All the prisoners found "Guilty"—The tragic scene in Court.

IN the old Court of the Old Bailey, in the mayoralty of Sir Thomas White, a trial took place before Mr. Justice Hawkins in September, 1877, which was known to the newspapers as the "Penge Mystery." Louis Staunton, aged twenty-six, Patrick Staunton, aged twenty-four, Elizabeth Ann Staunton, aged twenty-eight, and Alice Rhodes, aged twenty, were tried for the murder of Harriet, the wife of Louis Staunton.

The Attorney-General (Sir John Holker), the Solicitor-General (Sir Hardinge-Giffard), and Mr. Poland conducted the prosecution on behalf of the Treasury. I and Mr. C. Mathews appeared for Louis Staunton, the husband; Mr. Edward Clarke for Patrick Staunton, his brother; Mr. Purcell for Elizabeth Staunton,

Patrick's wife ; and Mr. Percy Gye for Alice Rhodes, the sister of Elizabeth Staunton.

The case commenced on Wednesday, September 19th, and occupied seven days.

It appeared that in June, 1875, Louis Staunton, who had been an auctioneer's clerk in somewhat impecunious circumstances, married a young woman named Harriet Butterfield. Her personal appearance had always been the reverse of prepossessing. She was ten years her husband's senior, being thirty-six years of age. She had always been regarded as a person of somewhat weak intellect. A snug sum of money—some £3,000—belonged to her, and the evidence that was brought forward left little doubt that Louis Staunton married her for the sake of her property.

There was no settlement made at the time of the marriage. The husband, however, took what ready money there was to be had, and induced his wife to sell certain reversionary property, which would eventually belong to her. From the commencement, the married life of Mr. and Mrs. Staunton was not a rosy one. Louis had a half-brother, Patrick, and this half-brother had married a woman named Elizabeth Rhodes, who had a younger sister named Alice ; and there could be no doubt that, shortly after the marriage of Louis Staunton, a criminal intercourse commenced between him and the young woman Alice. The wife, it appears, was aware of what was going on, but such was her mental weakness, that she had not the power to



proclaim her wrongs, with a view to their being redressed.

In the latter part of 1876, it appears that all the characters in this terrible story of crime and debauchery were living near one another in an out-of-the-way, desolate little village in Kent, called Cudham.

Patrick Staunton, the half-brother, was by profession an artist. He was in the habit of making rustic sketches in the vicinity, and selling them in the neighbouring villages. He occupied a five-roomed house, the Woodlands, and within a mile Louis Staunton had a farm called Little Grays.

It transpired that, soon after Louis Staunton took Little Grays, a change took place in his domestic arrangements. His wife, and the child that had been born soon after their marriage, were sent to the Woodlands, the husband paying to Patrick £1 a week for their board and lodging. Shortly afterwards, Alice Rhodes came to live at Little Grays. The neighbours, who had never seen or heard of the unfortunate Mrs. Staunton, never doubted that the occupants of the farm were man and wife. It was not clear from the evidence whether the unfortunate Mrs. Staunton knew that her husband was living with Alice Rhodes. It was proved that, shortly after the former's change of residence, her husband took her up to London, and caused her to sign away the last available item of her property.

What took place from that day was shrouded in mystery. Suffice it to say that, from the moment the

document was signed, Louis Staunton, having deprived his wife of every penny she possessed in the world, set to work to bring about her end ; his intention being, no doubt, when once he was rid of her, to marry the girl Alice Rhodes, and live on the proceeds of his late wife's property.

The theory of the prosecution, which was amply sustained by the evidence, was that Patrick Staunton and his wife lent themselves as accomplices to this diabolical scheme. The Woodlands, where they lived, was, as I have already said, a small house. There was a garret at the top of it, and in this garret the unfortunate woman was confined a close prisoner. There is no doubt that it was intended by slow degrees to starve her to death. They took away her boots and stockings, to lessen the possibility of her making good her escape. The process of bringing about her death by slow starvation was deliberately and systematically carried out. On some days they gave her no food at all, on others a very little. She was allowed no water to wash with, and very little to drink. Day by day she grew weaker and weaker, and gradually wasted away. At first she had, in the garret, a companion — her baby, a weak, miserable-looking little object. In the month of April it was taken by Patrick Staunton to Guy's Hospital, where it was left in an assumed name. On the day following the admittance of the child to the hospital, death cut short its wretched existence. The medical certificate described the cause of death as inanition.

Apparently no notice of the circumstances was taken. Early on the following morning, the father went to the hospital, giving the name of Harris, and made arrangements for the funeral.

It was not long before the ill-fated Mrs. Staunton was in a dying condition. She came to be so weak that she could neither walk nor stand. The four prisoners put their heads together to decide what would be the safest course to pursue. Their minds were exercised in the solution of the problem as to how a medical certificate could be obtained. To have allowed the death to take place at Cudham, where inquiries would most probably have brought the truth to light, was of course out of the question; and Louis Staunton hit upon the expedient of taking lodgings at Penge, and of conveying thither his dying victim.

In the darkness of the night the unfortunate creature, who had but a short time to live, was conveyed to her new "home." An hour or two after her arrival she died.

The next day a *post-mortem* examination took place. The woman had been murdered by deliberate starvation and studied neglect, and the result of the *post-mortem* was obvious. The medical evidence was truly horrible. It went to show that there was not a particle of fat upon the body, and that it was swarming with vermin. It was quite clear, as the doctors testified, that for weeks the deceased had not washed herself, and that for months she had not changed her garments. The

doctor who had been called in to visit her on her arrival at Penge had not noticed these unsanitary conditions. This was not to be wondered at, for, on entering the room, he perceived at once that the poor creature was beyond all hope of recovery, and that his services would be of no avail. He accepted the story told him by the husband, namely, that she had not been long ill, that they had been living in a remote part of the country, where she had been under the care of the only medical man in the locality, the parish doctor, and that she had been removed to Penge by her sorrowing family, in order that she might receive more skilful aid. Believing, I say, this story, Dr. Longrigg gave a medical certificate. It was not until afterwards that, on carefully and deliberately turning the matter over in his mind, he came to the conclusion that something was wrong. But for the shrewdness of this medical man, indeed, the crime would, in all probability, never have been discovered.

Dr. Longrigg pursued a number of inquiries, withdrew his certificate of death, and communicated with the coroner.

As I have not the space to go at any length into details, it must suffice to say that an inquest was held, and that the four persons who shared the guilty secret were committed to take their trial for wilful murder. When the case came on, the defence set up by the counsel for the prisoners was that the cause of death was tubercular meningitis, and the medical witnesses



were cross-examined at great length with a view to this contention being substantiated. Ultimately the jury returned a verdict of "Guilty" in each case, and the prisoners were all sentenced to death. The woman, however, was recommended to mercy. Mr. Justice Hawkins said that the recommendation would be forwarded to the proper quarter, but that he himself would neither hold out, nor discourage, hopes of mercy.

The verdicts occasioned a good deal of public interest, and a voluminous discussion as to the cause of death took place in the medical papers. Numerous petitions were presented to the Home Secretary, and it was not long before Alice Rhodes received a pardon. The other prisoners were respited, and ultimately, in each case, the sentence of death was mitigated to one of penal servitude for life.

Anything more terrible than this murder can hardly be imagined. While the husband was, inch by inch, doing his wife to death in a miserable garret, he was, within a mile of the spot, living in adultery with the young woman Alice Rhodes. Four human creatures, two of them of the gentler sex, set themselves deliberately to murder, by the slow agonies of starvation, a miserable being who had never injured them, and whose only offence was that she stood in the way of the legalising of her husband's connection with his, perhaps, less guilty paramour.

On the Wednesday that the verdict was returned,



the Court assembled at half-past ten in the morning, and, save for the brief intervals for refreshments, continued sitting until half-past nine at night. At that hour the jury retired. They returned into Court a few minutes past eleven. I was watching the prisoners as the jurymen took their places, and the scene was, indeed, a moving one.

Louis Staunton stands at the corner of the dock, to all appearances dazed. His vacant eyes are fixed upon one of the windows. In the centre of the dock sit Patrick Staunton and his wife. They are hand in hand, and apparently locked together. Alice Rhodes is in the further corner, with her head bent down. She does not look into the Court; apparently, like her paramour, she is stricken motionless with terror.

The foreman gives out the verdict in a voice choked with emotion. Moaning piteously, Alice Rhodes falls into the arms of the female gaoler, and is gently placed in a chair. Patrick Staunton is sustaining the body of his wife, and imploring her to be firm. She answers in a wild voice: "I will! I will!"

The Clerk of Arraignment calls upon them all to say why sentence of death should not be passed upon them. Patrick Staunton is grasping his wife's hand, and at the mention of the word "death," with a pitiful cry of "Oh, give me a chair," she sinks in a faint by the side of her sister. The sentence is passed, and before the solemn words are all uttered, Patrick has grasped the hand of Louis, who, pale as death, continues to gaze across the

crowded Court into vacancy. He has neither word nor look for Alice Rhodes; who is seated unconscious in the corner.

The prostrate sisters are gently and tenderly removed; the two men are hurried down the stairs, and the scene is over.

## CHAPTER XII.

DE ME

FABULA NARRATUR.

My shooting near Burnham Beeches—A summons for trespass—Heated words with Sir Thomas Nelson—The case comes into Court—Dismissal of the summons—Sir Alexander Cockburn and his shooting party—Lord Westbury's innocent remarks.

BESIDES being fond of dogs, I was always of rather a sporting turn. I am a very bad shot. As a matter of fact I took to the gun late in life, and have never had much practice.

Some eight or ten years ago, my friend, Edward Lawson, rented from the executors of Mr. Morrison the house and shooting at Hall Barn, Beaconsfield. His tenancy was only for twelve months, his object being to see whether he liked the property sufficiently to purchase it. The next shooting, that of Dropmore Estate, which adjoins the celebrated Burnham Beeches, was to let. The owner, Captain Fortescue, offered it on a seven, fourteen, or a twenty-one years' lease. The shooting here, I learnt, was remarkably good, and as the place could be reached by rail from Paddington in half an hour, I thought it would exactly suit me, and accordingly took it.

Dropmore Estate had its drawbacks. In the first place, one had to take certain land and a farm with it. In the next place there was a little difficulty about the birds. The pheasants, which, as everybody knows, cost a good deal to rear, were in the habit of straying upon a neighbouring property, known as East Burnham Common, which had once belonged, I believe, to Sir Henry Peek, and which was now in the hands of the Corporation of the City of London. The tenant who preceded me was Mr. Cox, the proprietor of *The Field* newspaper, and from him I learnt that the difficulty as to the roving pheasants had been met by an arrangement which carried with it a mutual concession. On the one hand, he, when shooting with his party, was permitted to walk over the common and drive back his birds; and, on the other hand, nothing was said if a pheasant or two were shot by the strangers to whom they had flown.

The informal arrangement was very well as far as it went; but I, on taking possession, desired to place matters on a firmer footing, and, as I was intimately acquainted with the aldermen and officers of the Corporation, I naturally felt confident that I should receive generous treatment at their hands. Seeking out their principal officer, who was well known to me, I briefly laid the facts before him, and asked whether there would be any objection to my enjoying the privilege of which my predecessor had spoken. The answer was: "Don't bother yourself about the matter; no permission is necessary so long as you and your friends merely

confine yourselves to going on the ground and driving back the birds. It will be all right. You needn't give the matter another thought."

Soon after the shooting commenced, I invited a party of friends down for a day's sport. We had occasion to stray some fifty yards on to the common to beat the birds home, and a hen pheasant was shot by one of my party just on the boundary.

A week later, I had another batch of visitors down for a day's shooting. I had a pretty little cottage near the ground, and we repaired thither during the afternoon.

While we were all sitting at tea, I saw a policeman crossing the lawn. He came up and knocked at the door, and the next minute my servant entered and said that the constable desired to see me personally. "Show him in here," said I, little suspecting what was to follow.

When the policeman entered, I noticed that there was a very curious expression on his face.

"Very sorry, sir," said the officer, "but I have a summons against you for trespassing on the East Burnham Common last week. It's prosecuted by the Corporation of London."

I was never more astonished in all my life. My friends screamed with laughter.

Next morning I proceeded, in a towering passion, to the office of the City Solicitor, Mr. (afterwards Sir) Thomas Nelson, by whom I discovered the summons



had been taken out. I found him seated at a desk, dictating to a shorthand clerk, whom, at my entrance, he directed to withdraw. It is true that there was rather a bumptious air about him ; but I never doubted that, when I explained my errand, he would express regret for what had occurred. Not at all. Puffing himself out to such an extent that he closely resembled one of the City turtles—I mean one of those plethoric animals that you see in Mr. Painter's tank at the " Ship and Turtle "—he said :

" If you take my advice, you will immediately send to the Corporation of London an apology, which I will dictate, and the summons shall be withdrawn."

" Good God, sir ! " was my reply, " I didn't come here for your advice ; " and I proceeded in words to send him to a place which I will leave the reader to imagine. Suffice it to say that it was not the Guildhall, or Mansion House, or other abiding-place of the Corporation of London.

The solicitor into whose hands I placed the matter was my friend Mr. St. John Wontner, and it was arranged that Poland and Charles Mathews should represent me as counsel. I found I was to be prosecuted by another intimate friend—Houghton, of the South-Eastern Circuit. Poor fellow ! he was very much cut up about it, and, before the case was heard, came to me and begged that I would come to some sort of terms. This I positively refused to do.

On the day in question, my two counsel and I

journeyed by the Great Western to Beaconsfield. We breakfasted at Hall Barn with the lord of the Manor, Mr. Edward Lawson, who was, himself, one of the magistrates, but who, on account of our friendship, had declined to sit on this day. After breakfast, we proceeded to the Court-house, which was crowded. I found that the Bench was composed of my immediate neighbours, most of whom were sportsmen; and, oddly enough, a retired Queen's Counsel was the chairman.

Nelson did not himself appear. He had sent his managing clerk—a little, podgy, important person, not unlike himself—to represent him; and during Houghton's opening, this little man, no doubt acting upon the instructions he had received from his master, kept urging the learned counsel to "state the facts more strongly."

Before my unwilling adversary had got half-way through his opening, the Chairman interposed, and said that the Bench were rather surprised at the course pursued by the representative of the City of London; that he was quite sure the matter had originated in a mistake; and that he was equally sure Mr. Williams would in the future be most careful to avoid any property to which the Corporation could lay claim. He concluded by expressing the hope that the summons would be withdrawn.

The little attorney's clerk would not hear of the case being dropped, and, compelled Houghton to proceed. Eventually, the summons was dismissed, and,

I presume, the prisoner left the Court without a stain upon his character.

I do not think that, as a rule, successful barristers are equally successful sportsmen. They are certainly not, as a class, good shots, though I believe that Mr. Justice Smith—familiarily and fondly known to all the Bar as “A. L.”—is an exception to the rule.

I remember rather a good story that is told of Sir Alexander Cockburn. He took a house and some shooting in the neighbourhood of Linfield, in Sussex, and among his guests at one of his early shooting parties were Lord Westbury and his son, Dick Bethell. The late Chief had never seen them shoot, but had heard his lordship telling extraordinary stories of his success at the covert side.

After the first beat, Cockburn observed the two members of the Bethell family shooting rather wildly, and as, besides the pheasants, there was a good deal of ground game in the covert, he took the precaution, at the next beat, to give his head-keeper instructions to post them close together.

Presently, guns were discharged from the spot where Lord Westbury and his son had been posted, and it was seen that the keeper had been shot in the leg. Cockburn made his appearance from quite another part of the wood, but Lord Westbury, stepping forward, at once began to accuse his host of the delinquency, and to read him a lecture as to how careful one should be, and as to the folly and danger of commencing

field-sports late in life. As for himself, he explained, he had been educated to them from his boyhood.

The Lord Chief Justice was a great deal too polite a host to make any reply to this. When, however, the party were proceeding to a neighbouring spinney—Lord Westbury and his son walking together behind—Cockburn, addressing the injured man and making a sign over his shoulder towards the two who were following, said: “Which of them shot you, Bacup?” “Which, Sir Alexander?” replied the keeper. “Both, d—— ’em!”

## CHAPTER XIII.

CATUS IDEM PER APERTUM  
FRUTICETO.

I am instructed to defend an old school-fellow—He is charged with shooting a man with intent to do him grievous bodily harm—I visit his country house—His amusing account of what took place—A burglar in the still-room—Setting a trap—Sport—A county magistrate, but ignorant of the law—The lenient jury—The appointment of Junior Counsel to the Treasury—A contrast—Poland and his tailor.

I WAS once engaged in an amusing case before the magistrates in Kent. I had two school-fellows at Eton who, though not related, were both named Phillips. One of them was nicknamed "Duck" Phillips, and he afterwards came to be well known in London society, when a colonel in the Guards. The other, who is the subject of my story, was known among the boys as "Alligator." As a man, he possessed a considerable fortune, and owned a lot of landed property in Kent. He settled down there, married, and became a magistrate and county magnate.

I renewed my acquaintance with this old Etonian on being called upon to defend him. He was charged



with shooting a man with intent to do him grievous bodily harm, and with the other legal intents usually alleged in such a charge.

The solicitor informed me that it would be advisable, before I appeared in Court, that I should view the premises where the alleged offence had been committed. He suggested that I should go down to my client's charming place in Kent, on the day preceding that on which the case was to be heard, and sleep there; and he handed me a letter from Mrs. Phillips, containing an invitation. I, however, had an engagement in town on the night in question, but I agreed to visit the house on the following morning, going down to Kent by a train that left London at about seven o'clock. The solicitor told me that he had given but a short outline of the circumstances in my brief, as it was advisable that I should hear all the facts from Mr. Phillips himself.

In due course I arrived at the house, and was received by the accused, who had been admitted to bail. He was dressed in a velveteen shooting jacket, cord knickerbockers, and gaiters, and did not by any means look the sort of person who was about to present himself to a bench of local justices. He was in excellent spirits, introduced me to his wife—a very charming lady—and said he was delighted to see me. As to the object of my visit, he roared with laughter when he mentioned it, and evidently looked upon the whole thing as a capital joke.

He related the facts of the case to me, and, amusing as they were in themselves, they were rendered all the more so by the manner in which he stated them. He stammered very much.

It appeared that one night, about a week previously, he had retired to bed shortly after his wife, at about eleven o'clock. When he had been asleep for an hour or two, he was roused by some one gently knocking at his bedroom door. On asking who was there, he found that it was his butler, who informed him that there was a burglar in the house. He had been in the still-room for some time, the butler thought, and apparently was amusing himself among the jams and the pickles.

"Stop a moment," said my friend to the butler; "don't move or make any noise for your life, while I get out of bed."

Stealing noiselessly from the room in his night-shirt, Mr. Phillips, it appeared, crept downstairs, caught up his double-barrelled gun, loaded it, undid the street-door, and said, in his stammering whisper, to his butler:

"N-n-n-now you go round to the s-s-s-still-room d-d-door, make a d-d-d-devil of a row outside, and I'll go and h-h-hide myself in the front s-s-shrubbery, b-b-behind the b-b-bushes. He's sure to b-b-bolt from the s-s-still-room window, and I shall b-b-bag my game."

He interrupted his story at this point to take me to

the still-room, point out the situation of the window, etc. ; and then continued :

“The b-b-butler did as I desired him, and the r-r-result was as I anticipated. The window was opened and the b-b-body of a man emerged. He jumped from the w-w-window and commenced to run for his life. Well, you know, my d-d-dear fellow, I was always a good sportsman. I gave him plenty of law, and l-l-l-let him get at the farthest r-r-r-range of s-s-shot, then I b-b-b-b-blazed away at him with both b-b-b-barrels, o-o-o-one after the other, expecting to see him fall ; but I shot low and the g-g-g-game went on. I went back to the house, g-g-g-got a light, searched the place, and followed the d-d-d-drops of b-b-blood through the sh-sh-shrubbery, and there lost all trace of the b-b-b-beggar. I went back to bed, but the next morning the poor d-d-d-devil was found in a neighbouring thicket, more d-d-d-dead than alive ; and then” (here he burst out in a flood of virtuous indignation) “they t-t-t-take me into custody for shooting him. This is a p-p-p-pretty republican country, if a m-m-man mayn’t d-d-defend his own property. Of course it’s all d-d-d-d—— nonsense.”

He must have seen from my countenance that I considered it the very reverse. I said :

“My dear fellow, you evidently don’t understand the law of the land—and you a county magistrate too ! Supposing you had reason to consider your life in danger, or your wife’s, you would have a right to act

in your defence with deadly weapons ; but here there was no such danger. You actually sent your butler round to the door to frighten the thief, and then deliberately aimed at him with your gun as he was running away from the window. Where's the danger to you ? ”

Well, he seemed rather taken aback at this view of the law.

“ But, my dear fellow,” said he, “ all the magistrates are my f-f-f-friends and neighbours.”

“ I really can't help that,” I said. “ They have a magistrate's clerk or legal assessor, and whatever their good wishes towards you, you will find indubitably that he will tell them that they are bound to commit you for trial. I think we may get off the felonious intent, but there's no way to get rid of the charge of unlawfully wounding. Of course, when the trial comes on at Maidstone, if you wish me to defend you, I will do my best with the jury ; but then there's the Judge to keep them straight, and that will be the difficulty.”

The case came before the magistrates in the usual way, with the result that I had anticipated, namely, a committal to the Maidstone Assizes upon the charge of unlawfully wounding.

At the Assize, which was held in about a month, the jury took a more lenient view than could have been expected. The prisoner was a great favourite in the neighbourhood, and it transpired that both he and his wife had, since the unfortunate occurrence, behaved with the greatest kindness and liberality towards the



injured man and his family. Without five minutes' deliberation, the jury returned a verdict of "Not Guilty."

Next year, I think, my client was pricked as High Sheriff for Kent, and duly served his term of office.

In the early part of 1879, Douglas Straight was appointed a Judge of the High Court of the North-Western Provinces of India, and, after being saturated with farewell banquets—at all of which I was present—he took his departure from these shores. The office of junior prosecuting Counsel to the Treasury was thus vacant, and my old friend, Sir John Holker, gave the appointment to me.

In those days the duties of the senior and junior were extremely onerous, though very lucrative. The gift was in the hands of the Attorney-General. I was the last man to hold the appointment under the old *régime*. The present Lord Chancellor, who thoroughly understands the working of the Criminal Courts, would never have dreamt of making a change, but it occurred to Sir Charles Russell, when he was Attorney-General, that it would be a good thing to divide the business, and to have four, instead of two, prosecuting counsel. The proposal was finally carried into effect by the present Attorney-General, Sir Richard Webster. I need hardly say that, had the present state of things existed in my time, I should never have applied for the post, for I could always command the defences, which, in a great many cases, paid very much better. It was at the time of which I am speaking that I became



the subaltern to my dear old friend Poland. I don't suppose that there ever were two men so unlike one another—he, plodding, slow, unimpulsive, and most industrious ; I—well, “know thyself” is a very difficult task to set one—but, at any rate, I was the reverse of Poland. I am afraid that sometimes, with my irritable temper, I let him have rather a bad time. When I was lying ill in 1886, in a private hospital, never expecting to pass from its portals, unable to speak or to move, I used to spend hours together thinking to myself, “I am afraid that I have behaved very badly to poor old Poland.” Perhaps I exaggerated my own misdemeanours, for one of the first friends to come and see me—the very first, I think—was my old colleague, and no one sympathised with me more keenly than he did.

In business he always bore a satisfied air, and when I had been blowing him up sky-high for not getting on quickly enough (for time meant money to me), he used to rub his hands and say : “Never mind, old fellow, we always get on all right, and what's more, we seldom lose a verdict.” He was quite right.

I cannot forbear to relate a very characteristic anecdote about Poland. He was very careless in his dress. He had a mind above that sort of thing, but his family hadn't, and times out of number his sister took him to task about his badly-fitting clothes, and begged him to go to a proper tailor. In any difficulty, Miss Poland was in the habit of seeking the advice of

her brother-in-law, Mr. Underdown, Q.C., who, I may mention, had the misfortune to lose his first wife not long after his marriage. The interview Miss Poland had with Underdown in reference to her brother's attire was a very serious one, and it resulted in the latter promising to visit Poland on the subject at his chambers, 5, Paper Buildings. The visit was duly paid, and after a very animated conversation, Underdown succeeded in persuading my Treasury leader to accompany him to Poole's, in Savile Row, with a view to ordering a perfectly new outfit. Underdown was an old customer of the firm. On arriving at their premises he introduced his brother-in-law to one of the partners, and told him to be very particular about the fit. Having an appointment, he then hurried away, leaving Poland to be measured.

In due time the new clothes were sent home. Very soon Underdown was again summoned by his sister-in-law to a private consultation. She was in terrible distress, and told him that, though the quality of the new clothes was very good, they fitted the wearer worse than the old ones. Upon learning this, Underdown repaired to Savile Row, interviewed the partner, and, having stated the object of his visit, asked, "What on earth does it mean?" The tailor replied: "It is not my fault, sir, I assure you. Every care was taken, as you desired, but how could we fit a gentleman who would insist upon being measured sitting down?" Underdown did not know what to make of this, and

at once proceeded to the Temple, to solve the mystery. On learning the object his visitor had in calling, Poland said, with the imperturbable manner peculiar to him : "Well, it's my business and not yours. I like to be comfortable. I spend three parts of my life sitting down, and I prefer to be measured so."

## CHAPTER XIV.

PERMUTAT FORMAM NOCTE DIEQUE SUAM.

The trial of Charles Peace—His encounter with the constable Robinson—Cleverness of the prisoner—His appeal for mercy—The charge of murder—Extraordinary occurrence on the railway—The execution—Peace's address to the reporters—A remarkable record—The robberies in Lambeth, Greenwich, and Peckham—Peace's mode of living—His collection of musical instruments—Quiet recreation at home.

ONE of the last cases in which I appeared before my appointment as Junior Counsel to the Treasury was that of John Warne, *alias* Charles Peace, who was charged with shooting at John Robinson, a police constable, with intent to murder him. Poland and Straight appeared for the Treasury, while I and Austin Metcalfe defended. The Judge was Mr. Justice Hawkins.

It appeared that on the 10th of November, at about two in the morning, Robinson was in the avenue leading from St. John's Park to Blackheath. He observed a light in the back drawing-room of one of the houses, and, feeling that all was not right, sought the assistance of other constables. They surrounded the house, raised an alarm, and the next minute a man was seen to

emerge from the dwelling and run down the garden. Robinson followed him.

It was a moonlight night, and the constable perceived that the fugitive had a revolver in his hand. The latter exclaimed: "Keep back! keep back, or, by God, I'll kill you!" The next minute he fired three shots from the revolver. The constable heard the shots whistling around his head as he made a rush at the man, who, firing again, cried: "I'll settle you this time." The bullet entered the constable's elbow. Undeterred by this, he closed with his assailant and a terrible struggle took place on the ground. The revolver, which was strapped around the burglar's wrist, was detached by the constable, and used by him as a weapon of defence. With it he struck the man several blows on the head.

The other police constables hurried to the spot, and Peace—for Peace it was—was taken into custody.

An examination of Robinson's clothes showed that two shots had passed through them without injuring him. The case against the prisoner was as clear as the sun at noonday, and he was convicted.

The jury expressed their admiration of the gallant conduct of the constable Robinson, and the Judge ordered that he should receive a reward of £20.

There never was such a record as was proved against the prisoner after his conviction. It appeared that he had been a most accomplished housebreaker for many years.



According to the evidence of constables, this extraordinary man could assume any appearance that he chose. He could alter his countenance at will, and so successful were his disguises, that it was almost impossible to recognise him from day to day. His bearing in Court was very respectful and meek—so respectful and so meek, indeed, that it was almost impossible to imagine that he could be the murderous creature pictured by the constables.

Upon hearing the verdict of the jury, Peace completely broke down, and his bearing upon the occasion in question was far from suggestive of the man of courage he most certainly was.

When asked if he had anything to say why sentence should not be passed upon him, he made a most passionate appeal to the Judge. In a whining tone, with tears in his eyes, and almost grovelling on the floor, he said :

“ Yes ; I have this to say, my lord—I have not been fairly dealt with, and I declare before God that I never had any intention to kill the prosecutor. All I meant to do was to frighten him in order that I might get away. If I had had the intention to kill him I could easily have done it, but I never had that intention. I declare I did not shoot five shots—I only fired four ; and I think I can show you, my lord, how I can prove that only four shots were fired. If your lordship will look at the pistol, your lordship will see that it goes off very easily, and the sixth barrel went off of its own

accord after I was taken into custody. At the time the fifth shot was fired the constable had hold of me, and the pistol went off quite by accident. I really did not know that the pistol was loaded, and I hope, my lord, that you will have mercy upon me. I know that I am base and bad. Nay, I feel that I am that base and bad that I am neither fit to live nor die, for I have disgraced myself, I have disgraced my friends, and I am not fit to live among mankind. I am not fit to meet my God, for I am not prepared to do so. So, oh, my lord, I know I am base and bad to the uttermost; but I know at the same time they have painted my case blacker than it really is. I hope you will take all this into consideration, and not pass upon me a sentence of imprisonment which will be the means of causing me to die in prison, where it is very possible I shall not have a chance, amongst my associates, to prepare myself to meet my God, that I hope I shall meet. So, my lord, do have mercy upon me. I beseech you give me a chance, my lord, to regain my freedom, and you shall not, with the help of my God, have any cause to repent passing a merciful sentence upon me. Oh, my lord, you yourself do expect mercy from the hands of your great and merciful God. Oh, my lord, do have mercy upon me, a most wretched, miserable man; a man that am not fit to die. I am not fit to live, but with the help of my God I will try to become a good man, I will try to become a man that will be able in the last day to meet

my God, my Great Judge, to meet Him and to receive the great reward at His hands for my true repentance. So, oh, my lord, have mercy upon me, I pray and beseech you. I will say no more ; but, oh, my lord, have mercy upon me ; my lord, have mercy upon me."

This harangue seemed to have an effect upon everybody in Court except the man to whom it was addressed. It was a great treat to watch the face of Mr. Justice Hawkins during the speech. When it was over, his lordship, without any sort of comment, promptly sentenced the delinquent to penal servitude for life.

This trial took place, I think, in the last month of 1878. On the 21st of January, 1879, Peace was removed from Pentonville to Sheffield, where he was charged with murdering a gentleman named Dyson, a civil engineer, who met his death in 1876.

The culprit travelled to Yorkshire in a Great Northern newspaper train. At Peterborough, one of the stations at which the train stopped, he was permitted to alight for a few minutes. The result of his being allowed this little license was that he became very obstreperous ; and the two warders who accompanied him had great difficulty in getting him back into the carriage. It is related that, after the train left Peterborough, the conduct of Peace became positively disgusting, and that he behaved more like a wild beast than a human being.

When the train, running at between forty and

fifty miles an hour, was about midway between Shireoaks and Kiveton Park—two stations not far from Sheffield—Peace asked that the window of the carriage might be opened. The warders, little dreaming what was to follow, at once complied with this not unreasonable demand.

The next minute, a deed of extraordinary daring and recklessness was performed. Peace jumped clean through the open window. One of the warders, instantly alert, sprang forward and was just in time to seize his left foot; and there he hung from the window of the train, head downwards. The second warder turned his attention to the communication cord, but it was out of order. He then commenced to shout for the train to be stopped. The noise attracted the attention of the other passengers, who thrust their heads out of the carriage windows, and, when they saw what had happened, commenced, themselves, to shout. Presently Peace, in his frantic struggles, managed to extricate his foot from his boot, when, striking his head against the foot-board, he fell on to the line.

The shouts of the warders and passengers at last, after the train had run a mile or two further on, attracted the attention of the engine-driver, and he brought the train to a standstill.

The greatest excitement prevailed among the passengers. It was well known that Peace was intimately acquainted with that part of the country,



having plied his unlawful calling there for many years, and the fear was entertained that he might have made good his escape.

Accompanied by several passengers, the warders trudged back, along the snow-covered permanent way, to the spot where the convict had fallen. The train, meanwhile, sped on its journey, carrying with it the intelligence of Peace's latest escapade. The news was the more sensational from its incompleteness, and, needless to say, the people of Sheffield anxiously awaited the sequel of the strange story.

Peace was discovered lying insensible on the line. The snow around his body was crimson with blood, which had flowed from a severe wound in his head.

In a little while the convict recovered consciousness, and said: "I am cold; cover me up." He was wrapped up in rugs, and a slow train coming up at that moment, he was placed in the guard's van, and taken on to Sheffield.

When he arrived at his destination, Peace was so exhausted that the services of four men were required to carry him to his cell. At first he was unable to take any stimulants, but his condition gradually mended, and, during that afternoon and evening, he made considerable progress towards recovery.

Various magisterial inquiries having taken place, Peace was, on the 4th of February, tried at the Leeds Assizes before Mr. Justice (now Lord Justice) Lopes. Mr. Campbell Forster, Q.C., and Mr. Hugh Shield



prosecuted on behalf of the Crown, while Mr. Lockwood and Mr. Stuart-Wortley (the present Under-Secretary for the Home Department) defended the accused.

The principal witness for the prosecution was Mrs. Dyson, the widow of the murdered man.

Peace was found guilty. The Judge asked him if he had anything to say, and, no doubt bearing in mind his recent experience at the Old Bailey, he mumbled: "It's no use my saying anything;" and he was right. Mr. Justice Lopes passed sentence of death upon him in due form.

The notorious culprit was executed at Armley Gaol, Leeds, on the 25th of February.

On the preceding Wednesday, he confessed to the clergyman who attended him that he had murdered a Manchester policeman in 1879 (for which offence an innocent man had been sent to penal servitude for life). He also confessed to the murder of Mr. Dyson.

The execution was a public one. As the procession moved towards the scaffold, Peace appeared to be occupied in fervent prayer with the clergyman at his side. His devotions over, he turned to the members of the Press who were present, and said:

"Gentlemen, you reporters, I wish you to notice the few words I am going to say. You know that my life has been base and bad. I wish you to tell the world what my death is. I ask—what man could die as I die if he did not die in the fear of the Lord?"

Gentlemen, tell all my friends that I feel assured that my sins are forgiven me, and that I am going to the Kingdom of Heaven, or else to that place where people rest till the great judgment day. I have no enemies that I feel anything against on earth. I wish that all my enemies would do so to me. I wish them well; I wish them to come to the Kingdom of Heaven, to die as I die. To one and all I say good-bye, and Heaven bless you, and may you come to the Kingdom of Heaven at the last. Say my last wishes and my last respects are to my dear children and their dear mother. I hope that no person will disgrace himself by taunting them or jeering them on my account, but will have mercy upon them. God bless you, my dear children; good-bye, and Heaven bless you. Amen."

It was not long before full particulars of Peace's career came to light. It appears that, after murdering Mr. Dyson, he went to Hull, and there broke into a gentleman's house, making off with a quantity of plate and valuable jewellery. He then went and lived with a near relative at Nottingham. After breaking into a warehouse in the neighbourhood and stealing, among other things, a large assortment of silk goods, he moved about the Midland counties, committing daring robberies almost wherever he went.

Some four or five months after the murder, Peace came to London, and took up his abode in Lambeth. He pursued his calling there with a vengeance. Scarcely

a night passed but he broke into a house, and these repeated depredations gave rise to the greatest excitement and indignation in the locality. The police did not know what on earth to do. All their efforts to trace the offender were in vain. In a little while, the inhabitants of Lambeth came to the conclusion that there was a gang of daring robbers in their midst, and it was surmised that the gang must be amassing great riches.

Lambeth at length grew too warm for Peace, and he shifted his residence to Greenwich, where he took a very handsome house, which he furnished in the most lavish manner.

Among his new neighbours, Peace passed as a gentleman of independent means, and he was looked up to as a man who had done well in the world. In a little while Greenwich became as notorious for burglaries as Lambeth had been. Night after night, the houses of leading residents were broken open, large quantities of plate, jewellery, and other valuables being extracted. It was supposed here, as at Lambeth, that a gang was at work, and people marvelled at the judgment of the members thereof; for, whenever a house was broken into, it was always the articles of real value that were taken—the cheap plate and the imitation diamonds being left behind. The public became indignant, blamed the police, and wrote letters to the papers. But it was all in vain.

In due time Peace resolved that it would be advisable

for him once more to change his place of abode. As a result of his enterprise during the past six months, he was a wealthy man; and he decided to take an even better house, and one about which there was even a greater air of respectability, than the last. He went house-hunting in Peckham, and succeeded in finding a residence there to his liking. He already had one housekeeper, and, thinking that she might be lonely, he now engaged a second. The furniture that he had used at Greenwich not quite meeting his fastidious requirements, he bought fresh, and equipped his house almost as though it were the abode of a nobleman. In the drawing-room, for instance, was a suite of walnut that must have cost some sixty guineas, a rich Turkey carpet, and several magnificent mirrors. Upon his bijou piano lay an elaborately-inlaid Spanish guitar, worth about thirty guineas, and which, by-the-bye, he was said to have stolen from a countess. The entire house was a model of comfort. Peace even indulged in the luxury of prettily-beaded slippers.

Of course the "gang of daring robbers" now busied themselves in Peckham. Great activity was manifested by the police, but all in vain.

It is recorded of Charles Peace, that he "always loved a bit of music, and that in his less prosperous days he bought a wooden canary which could sing a song."

It was a constant subject of remark among the

residents of Peckham that their fine old fiddles were stolen along with their plate and jewellery. Peace's collection of musical instruments grew to be a very fine one. In a little while, indeed, it attained such dimensions that he was forced to ask a neighbour to be so good as to house a portion of it for him. "As," to quote from a contemporary record, "he never played anything but sacred music, this request was at once granted."

As previously stated, it was on the 9th of October that Peace broke into the house at Blackheath, shot the policeman Robinson, and was arrested. It subsequently transpired that, before he started for Blackheath, he had a little musical evening at home. He played the violin, one of his housekeepers sang, and the other accompanied them on the piano.



## CHAPTER XV.

### ADSUM QUI FECI.

Experts in handwriting—Sir F. W. Truscott charged with libel—  
The prosecutor's statement—The post-card—Evidence of Chabot  
and Nethercliffe—Positive testimony—Turning the tables—Mr.  
T. F. Smith's evidence—Corroboration by his father—Mr.  
Alderman Nottage goes into the box—Collapse of the case.

I NEVER was much of a believer in experts in handwriting. I have examined, and more frequently cross-examined, Chabot, Nethercliffe, and all the experts of the day, and have nearly always caught them tripping. In fact, in my opinion they are utterly unreliable.

I was counsel in a case that took place at the Old Bailey on the 17th and 18th of September, 1879, which thoroughly confirmed me in the opinion I have just expressed. Sir Francis Wyatt Truscott, who had been Sheriff of Middlesex, and had served his year of office as Lord Mayor, was charged with publishing a libel concerning John Kearns. Messrs. Poland and Grain conducted the prosecution, while Sir John Holker, I, and Horace Avory represented the accused. The alleged libel was contained on a post-card. The prosecutor was

accused of committing a criminal offence, and the post-card concluded with these words: "Excuse an old friend mentioning this to you to put you on your guard, but you are being watched by the police."

The prosecutor stated that he lived at Edmonton, and that he had formerly been a wharfinger in Upper Thames Street. He added that he had been a member of the Common Council, and that the defendant had sat in the same Court with him for years. A most intimate friendship had, he said, existed between them. He was thoroughly well acquainted with the defendant's handwriting, and was most positive that Sir Francis had written the post-card in question. He applied for a summons against the defendant at the Guildhall, and Mr. Alderman Cotton, who presided, had refused to give it. He had subsequently applied at the same place when Sir Robert Carden was presiding, but with a similar result. The prosecutor further informed the Court that there had been litigation between himself, the defendant, and a lady of the name of Smith, who was the proprietress of the house where he lived at Edmonton.

The lady in question (who was stated to have filed two suits against Sir Francis in Chancery) was called as a witness, and also positively swore that the handwriting upon the post-card was that of the defendant. She said that she had recognised it as his the instant it was shown to her—that she had frequently seen him write, and that she had received numerous letters from him

Charles Chabot was then called. He stated that for many years he had been engaged in examining handwriting, and that he carried on business at 27, Red Lion Square. He said he had made handwriting a careful study, and that, in consequence, he had frequently been a witness in important trials, and had been employed by the Government and other large bodies. He had compared a number of letters undoubtedly written by the defendant, with the post-card, and he said he was prepared to swear that in each case the writer was one and the same person. A flourish that appeared on the post-card and a flourish that was attached to the signature in all the letters were, he declared, unmistakably identical. There were other similarities to which he drew attention, and he sought, and obtained, permission to quit the witness-box, and point out those similarities, one by one, to the jury. This witness was severely cross-examined by Sir John Holker, but, apparently, was in no way shaken.

Frederick George Nethercliffe was then called. He stated that he had made handwriting a study during more than thirty years, that he had frequently appeared professionally in the witness-box, and that, after minutely comparing the letters with the post-card, he had independently come to the conclusion that the writer in both cases was the same. He produced a most elaborately-written report, calling attention to the various similarities existing between the handwriting on the different documents, and, on being

cross-examined, he adhered absolutely to the position he had taken up.

We knew that they were all entirely wrong, and that we had a complete answer in store. Sir John asked permission of the presiding Judge, Mr. Justice Manisty, to call his witnesses first, and, if necessary, address the jury afterwards. I then called Mr. Thomas Flight Smith, who stated that he was a member of the firm of Smith, Son, & Co., wholesale stationers, of Queen Street, City. He said that he was acquainted with both the prosecutor and the defendant. He knew they had been on terms of friendship, and that that friendship had now ceased. I asked him to take the post-card in his hand and read it. He did so, and, upon being questioned as to whose handwriting appeared thereon, he said: "I wrote the post-card. It is my own writing. I was not actuated by any malicious motives towards Mr. Kearns in writing it. I was abroad when I heard that this charge had been made against Sir Francis. I read of the matter in the newspapers, and my first idea was to write to Sir Francis Truscott and acknowledge that I did it; but I wrote to my father, instead, and I subsequently, at the request of Mr. Crawford, Sir Francis' solicitor, made an affidavit before Mr. Justice Stephen at chambers, in which I swore that the handwriting was mine. Sir Francis had nothing whatever to do with it. He was not aware in any way that I had written it."

The father, Thomas John Smith, was then put in

the box. He stated that the post-card was in the handwriting, not of the defendant, but of his own son. To prove what he said, he produced for comparison three other post-cards in his son's handwriting.

Mr. Alderman George Swan Nottage was examined as a witness, and he stated that he knew Sir Francis and Mr. Thomas Flight Smith intimately; that, having received many letters from both, he was acquainted with their respective handwriting, and that the post-card was undoubtedly written, not by Sir Francis, but by Mr. Smith.

The jury stated that they did not wish to hear any further evidence, and proceeded at once to pronounce a verdict of "Not Guilty."

So much for the evidence of experts in handwriting.



## CHAPTER XVI.

### FALLACIS SEMITA VITÆ.

Trial of Hannah Dobbs—Habits of the deceased—Evidence of the Bastindoffs—A blood-stain on the carpet—The cash-box, the book of dreams, and the jewellery—Finding the body in the cellar—The relationship between Hannah Dobbs and her master—Bastindoff prosecuted for perjury—The evidence against him—An altered beard—The defence—Verdict and sentence.

ON the 2nd and 3rd of July, 1879, a somewhat extraordinary trial for murder took place in the new Court of the Old Bailey, before Mr. Justice Hawkins. I did not appear in it myself, but as I was counsel in a case at the end of the year arising out of this one, I must briefly review the evidence, in order to place the complete story before the reader.

Hannah Dobbs, a girl twenty-four years of age, was indicted for the wilful murder of Matilda Hacker, *alias* Huish, an unmarried lady sixty-six years of age. The case, which was entirely one of circumstantial evidence, occupied the Court two days.

Upon the 9th of May, a decomposed body, subsequently identified as that of Miss Hacker, was found

in a cellar at 4, Euston Square, under circumstances which clearly indicated that she had been murdered.

Miss Hacker was an eccentric old spinster, of Canterbury, which borough she left in consequence of a quarrel she had with the rating authorities there.

She moved from spot to spot and passed under different names, being fearful, it would seem, that she would be traced, recognised, and made answerable for the liabilities she had incurred. After living in a number of houses, she took lodgings, in the name of Huish, at 4, Euston Square. The proprietors of that house were a Mr. and Mrs. Bastindoff, who, I may mention, were the leading witnesses for the prosecution. It was proved by relatives of the deceased that she was a woman of means, and evidence was given to the effect that it was her invariable custom to keep a large stock of ready money by her in a cash-box.

It was believed that the murder took place on the 14th of October, 1878. There was no doubt whatever that she was alive on the 10th October, for, on that day, she communicated with her agent respecting some house property she possessed, directing him to reply to "M. B.," at the Post Office, Holborn. It appeared beyond all doubt that, on the 14th, which was a Sunday, Miss Hacker and the servant, Hannah Dobbs, were alone in the house. On the following day, Bastindoff, the landlord, ordered Dobbs to go up to the old lady and get some rent which was due from her. According to Bastindoff's evidence, the accused ran past him

saying, "I'll go," and presently returned with a five-pound note. It was changed, and the amount of the rent having been deducted, the balance was handed to Dobbs. Mrs. Bastindoff stated in the witness-box that, on the morning of the 14th, Dobbs told her she thought Miss Hacker was going to leave her lodgings that day, and that she believed she had actually done so. According to the evidence of the Bastindoffs, they took little notice of the disappearance of the old lady, and did not even trouble themselves to go up into her rooms until two days afterwards, when it was necessary to prepare for the arrival of another lodger. Mrs. Bastindoff stated that, when she did go into the room, she saw on the carpet a large stain, which, as an analysis subsequently showed, was a stain of blood. There was, she said, unmistakable evidence that an attempt had been made to wash out the discoloration. It was proved that, shortly after the old lady's disappearance, Hannah Dobbs showed one of the children a book of dreams, which she stated had belonged to Miss Hacker. She gave to another child, as a plaything, the old lady's cash-box, the lid of which had been broken. Hannah Dobbs was also noticed to be wearing a watch and chain that had never been seen in her possession before. She explained away the circumstance by saying that an uncle of hers having recently died at Bideford, she had inherited from him a little property, including the watch and chain and some rings she was wearing. The watch and chain were subsequently pawned by her in a false

name, and it was afterwards proved that they had belonged to Miss Hacker.

Soon after the disappearance of the old lady, Hannah Dobbs left the house in Euston Square, and took lodgings with a Mrs. Wright. Being unable to pay her rent, she left her box in pawn, and it was discovered that, among the things contained in that box, were several articles that were identified as having been the property of Miss Hacker. Inquiries showed that the story told by the accused as to the death of her uncle at Bideford was completely a fable.

On the 9th of May, 1879, at Bastindoff's request, the cellar at the house in Euston Square was cleared out, so that one of the lodgers might use it for the storage of coal, and it was during the process that the corpse was discovered there. The identification of the body—which was found with a rope round the head—as that of Miss Hacker was complete. The height, the colour of the hair, the deformity of the spine, and other circumstances, left no doubt upon the point. One or two articles of jewellery were found close to the body, and they were identified as having belonged to the unfortunate old woman.

The evidence against the accused was, as I have shown, tolerably strong. The defence relied upon the improbability of a woman twenty-four years of age being able, unassisted, to commit the murder in the short time that could have been at her disposal; to remove the body, which was a heavy one, to the cellar; and to

obliterate all traces of the deed. A great deal also was made of the improbability of the Bastindoffs having lost their lady lodger in so sudden and mysterious a manner without their suspicions being aroused that foul play had been resorted to. Counsel for the accused dwelt upon the fact that there was not a particle of direct evidence to show that she committed the murder, or that she was even aware of its commission.

The Bastindoffs were most unsatisfactory witnesses. In answer to questions put to Severin Bastindoff by the counsel for Hannah Dobbs (questions no doubt which she instructed him to put), he said that there never had been any immoral intercourse between himself and his servant, that he did not make her acquaintance before she entered their service, and that it was not at his instigation that his wife engaged her. I mention these facts because they were of considerable importance in relation to the second trial, with which I was myself concerned.

After Mr. Justice Hawkins had elaborately and patiently summed up, the jury came to the conclusion, in which I think they were fairly justified, that, though the greatest suspicion must rest upon the accused, the case against her was not proved beyond all doubt. There was, indeed, an entire absence of legal proof of the guilt of Hannah Dobbs, and in acquitting her, the jury only acted in accordance with the exigencies of the law as administered in this country. Thus, this murder remained undiscovered, and I may mention



as a remarkable circumstance—and as a remarkably unsatisfactory circumstance—that it was one of three committed within an area of a quarter of a mile, of which the authors had not been apprehended. The others took place, one in Great Coram Street, and the other in Burton Crescent.

The prosecuting counsel in this case were the Attorney-General (Sir John Holker), Mr. Gorst, Q.C., and Mr. A. L. Smith (now one of Her Majesty's Judges); while the prisoner was defended by Mr. Mead.

As so often happens in cases of this sort, the prisoner was, on being discharged, straightway made a heroine by the eccentric portion of the British public. Among those who took her by the hand was a gentleman of the name of Purkiss, the proprietor of *The Police News*, and very soon a pamphlet emanated from the office of that journal, purporting to contain an account of the career of Hannah Dobbs. The publication gave her version of the murder of Miss Hacker in Euston Square, and of the alleged immoralities that had taken place, both before and after she entered service there, between herself and her master, Severin Bastindoff. Attention being drawn to the pamphlet, Bastindoff instructed his solicitors to apply to the High Court for an injunction to prevent its further publication. In an affidavit, he denied the allegations as to his intimacy with Dobbs; and upon the affidavit being filed, an action for libel was instituted against

the publisher. A summons was then taken out against Bastindoff for perjury, and he was brought up before the magistrate, and committed for trial.

The charge against Bastindoff was heard in the identical court in which Hannah Dobbs had been tried, and the same Judge presided in the two cases. The trial occupied four days. I, with Mr. E. Thomas and Mr. Cavendish-Bentinck, appeared for the prosecution; the prisoner being defended by Mr. Powell, Q.C., Mr. Poland, and Mr. Sims. The principal witness against the accused was, of course, Hannah Dobbs herself, who, I may mention, so far as dress was concerned, cut a much better figure on this occasion than at her own trial.

The pivot on which the case turned was Hannah Dobbs' account of her intimacy with the prisoner. She swore that that intimacy commenced in the autumn of 1877, when she was a servant in a house in Torrington Square. She said: "It was at Mrs. Pearce's, 42, Torrington Square, that I first met Mr. Severin Bastindoff. He spoke to me and to another servant while we were cleaning windows, and in consequence of that conversation, he and I went out together that night, or a night or two afterwards, and from that time until I entered his service, we frequently went out together. The relationship was kept up during the time I was an inmate of his house."

Those who had been her fellow-servants were called,

and gave corroborative evidence. A Mrs. Carpenter was also put into the box, and she swore that, upon a particular day in August, 1877, Dobbs and Bastindoff passed the night together at her inn at Redhill. This woman, who gave her evidence with marvellous intelligence, and, apparently, with perfect truth, was the witness most antagonistic to the accused.

In her cross-examination, Hannah Dobbs was forced to admit that she had once been tried and convicted for theft. The story of her whole life, indeed, as revealed during her cross-examination, was such as to draw from the presiding Judge the remark that she was a "most infamous person." This much was certain, she was remarkably clear-headed and clever, for a most searching and ingenious cross-examination, lasting nearly a whole day, failed to shake her in the smallest particular. Two of the servants who corroborated her story were Selina Knight and Clara Green. One of the incidents they described undoubtedly had, *primâ facie*, the stamp of truth upon it. One night, it appeared, when Dobbs had promised to meet Bastindoff, she and her two fellow-servants fell asleep before the fire, carelessly leaving the area door wide open, a circumstance that attracted the attention of two vigilant policemen, who entered, woke the girls up, and stayed to take coffee with them. In reference to their evidence against Bastindoff, the question arose, could they have been mistaken in his identity? Bastindoff was pointed

out to them in Court, and they swore that he was the man, but added that his appearance was somewhat altered. Explaining that the alteration was in his beard, they minutely described the appearance which that facial adornment had presented at the time of his intimacy with Hannah Dobbs. His lordship at once gave instructions that an old business partner of the accused, who had already given evidence, should be recalled; and, sure enough, this gentleman, on being questioned on the point, gave a description of how Bastindoff had previously worn his beard that fully confirmed the statement of the servant girls.

The defence in this case always struck me as being rather a clumsy one. The theory of it was—and evidence was called in support of that theory—that at the time Severin Bastindoff was said to have been with Hannah Dobbs, he was elsewhere, and that the man who was with Dobbs was his brother Peter, who was very like him in appearance. The principal witness in support of the theory for the defence was Bastindoff's mother-in-law. Evidence was called to prove that, on the day on which Severin Bastindoff was alleged to have been with Dobbs at Redhill, he was with a fishing party in quite another district. These witnesses, when cross-examined by me, declared that Peter Bastindoff also made one of the fishing party. This statement, of course, rather upset the theory of the defence, and,

naturally, in my reply to the jury, I made a strong point of this admission, and of the fact that Peter Bastindoff was not put into the witness-box.

When Mr. Justice Hawkins had charged the jury, and completely exhausted the evidence on both sides, a verdict of "Guilty" was returned, and the prisoner was sentenced to twelve' months hard labour.



## CHAPTER XVII.

CREDAT JUDEUS APELLA,

NON EGO.

Pleading and preaching—Mr. Waddy, M.P., and Mr. Lockwood, Q.C.  
—Turning the tables—Mr. Willis, Q.C.—A case in which I acted as his junior—Holding the Court in a public-house—Mr. Willis converses with “Mary”—A discomfiting answer—A case at Cardiff—Misplaced confidence—The Jewish pawnbroker and money-lender—The Lord Chief Justice’s summing-up—Some points for the jury to consider—An astonished counsel.

PLEADING and preaching are, it must be admitted, a strange combination. That combination exists, however, at the present time in more than one instance. Three of my learned friends are members of different Dissenting denominations, and are frequently in the habit of officiating in chapel.

One of the three is Mr. Samuel Danks Waddy, a Member of Parliament for a Lincolnshire division. He is a determined Separatist and a violent Radical—in fact, a perspiring politician. Rather a good story is related of him and of Mr. Lockwood, Q.C., both of whom are members of the North-Eastern Circuit. At one of the assize towns it came to Lockwood’s knowledge that, on the following Sunday, Brother Waddy was to officiate in a chapel. Lockwood at once resolved

to attend the service with two or three fellow barristers, in order that his learned friend might have a surprise. It so fell out that Waddy was able to turn the tables on them most cleverly. Arriving at the chapel, they took up their positions immediately underneath the pulpit, and well within the vision of its occupant. It was the custom for the officiating minister, before he commenced his discourse, to nominate one of the congregation to give out and lead a hymn. Waddy, without moving a muscle of his face, pointed towards the tall, stalwart form of Lockwood, and said: "Brethren, Brother Lockwood will give out and lead our hymn." I need scarcely say that, upon this, my dear friend Lockwood, and his associates, beat a hasty retreat.

My second example of a man who is both a barrister and a parson is my excellent friend, William Willis, Q.C., who is, I think, associated with the Baptists. A more cheery companion than Willis never lived, and of all the voluble men I have encountered in the course of my career, he is the most voluble. No matter what subject he is speaking on, he never seems to be exhausted. His description of how, on many occasions, he has wrestled with the devil to conquer sin, is so graphic that, whenever he favours you with it, you almost seem to see the combat before your eyes.

I remember a journey Willis and I once took a short way out of London in connection with a case tried before some local magistrates. I fancy the place was in Hertfordshire, but its name firmly impressed

itself upon my memory owing to its peculiarity. It was Much Hadham.

The case was a singular one. The defendant was a man who, as an agriculturist, had made a very considerable fortune; and he was charged by the Lea Conservancy with washing his sheep in that river after they had been rubbed over with a certain noxious compound, and with thereby polluting the stream. Poland was counsel for the prosecution, and Willis (with me as his junior) appeared for the defendant. Willis was not so well acquainted with cases of this description as I was, and so I availed myself of the opportunity afforded by the railway journey to impress upon him the necessity of our getting the best of the terms if a settlement were suggested, and to warn him not to be cajoled by that old soldier, Poland.

The Court sat in a little country public-house, in a low-roofed room with a sanded floor. Upon the case being called on, the Chairman stated that he would adjourn it for a short time in order to allow the parties to see if they could not come to an understanding. It was a beautiful sunshiny day, and Willis and Poland walked out of the public-house together, to talk over matters in the open air. I thought it prudent to follow them, and see what took place. It was most amusing to watch little Willis first argue with our opponent, then run up to exchange a word with the fat proprietor of the sheep, and then bustle up to me to discuss the terms of a proposed compromise. As

the result of three-quarters of an hour's haggling, a settlement was arrived at.

Poland at once started back for town; but Willis and I hired a trap to take a drive and enjoy the beautiful weather.

We pulled up at a little country town some five miles away, and entered an inn to procure some lunch. In the coffee-room we were met by a smart-looking country girl, and my voluble friend at once addressed her in these terms:

“Well, Mary, and how are you, Mary—beautiful morning? Isn't it a pleasure to live and to thank your Maker for such a morning as this? Mary, I very often hear people complain about the weather—most unreasonable, eh, Mary? Every day is beautiful, each morning one of grace. Now, Mary, what have you got to eat?—this” (pointing to me) “is a celebrated gentleman down from London—you will give him the best of fare. Cold beef do you say, Mary? Very well, we will have the cold beef—pickles, you know, Mary, and, above all, salad—can't get these kind of things in smoky London you know, Mary—only in the country, the beautiful country!” And so he went on and on, until the girl left the room bursting with laughter. We sat down to a most enjoyable meal, and when it was over, and while we were waiting for the bill, Willis exclaimed: “I say, Montagu, that's a very nice girl. I think we'll give her half-a-crown between us. What do you say?” “By all means,” said I, “give her what

you like. You pay the bill, and I'll settle with you afterwards."

When the girl came in he began again, as follows : "Mary, you're a very nice little creature, that's what you are, Mary. I, and my distinguished friend here, have come to that conclusion. There, Mary; that's for the bill, and there's half-a-crown for yourself. Now, Mary, a nice girl like you won't spend half-a-crown in frivolity—you will take my advice and go out this evening, when you've discharged your duties, of course, and you will buy some bonnet-ribbons, Mary, and you will put them on on Sunday when you go with your young man to church, chapel, or meeting-house—that's my advice, Mary; will you follow it?"

"Yes, sir," said Mary, "that is, I'll go out to-night and buy the ribbons, and wear them on Sunday when I go out with my young man; but I won't go to church or meeting-house, sir;" at which my companion left the coffee-room somewhat hastily, and we departed.

The third instance of a barrister who is also a minister, is a man whose name, on account of the story I am about to relate, I shall not disclose. It happened, I think, in 1880, that I had a special retainer to go to Cardiff, on the Welsh Circuit. I had to defend a man for fraudulent bankruptcy, and, as my defence was to be of a purely technical character, I did not anticipate that it would occupy a very long time. This being so, I communicated with my junior, who, of course, was a member of the Circuit, and requested him to make



arrangements with the Chief Justice in order that the case might be taken on a specified day. He did so, and it was arranged that it should be heard on a Wednesday. I left London on the Tuesday evening, and travelled down by a train that arrived at Cardiff at a little before eleven. On reaching the hotel where my clerk had secured rooms for me, I was met, not only by my junior, but by the learned counsel who is the subject of this anecdote. He said :

“ I am afraid you will be a little disappointed, my dear fellow, about your case coming on to-morrow morning. It won't, and I thought I'd let you know beforehand, so that you need not disturb yourself so early in the morning. It has been the Judge's dinner to-night ” (it is a custom on Circuit for the Judges to entertain the Bar at dinner once or twice), “ and I had a conversation with the Chief Justice about you before leaving. The fact is, I have been engaged all day before him in a case against a Jewish pawnbroker of Swansea. It is a somewhat remarkable one, and it occupied all day yesterday. Late to-night, just before dinner-time, the jury, not being able to agree, were discharged without their returning a verdict. His lordship told me that he had promised to take your case the first to-morrow, but he said that it would be impossible to do so now, for, as all the witnesses in my case come from Swansea, and ought to be sent back as soon as possible, he must not adjourn it. But it's all right, my dear fellow, we can't last long. His lordship has given me to under-

stand that, the jury having disagreed once, I need not trouble myself much about it."

"What!" I said, "he told you that in so many words?"

"No," he replied, "not exactly, but he conveyed it in his manner."

"Oh," said I, "that's quite a different thing. I shouldn't advise you to go upon that, and for goodness' sake don't consider me in the matter. If I must stay, I must. Cross-examine your witnesses just the same—in point of fact, if I were you, after what you've told me, I shouldn't leave a stone unturned."

"Oh, my dear fellow," he said, in his simple-minded way, "you are quite mistaken. I am sure there is no necessity for that."

"Well, good night," I said, "you will see;" and I resolved, though I knew I should not be wanted in my own case, to go into Court early next morning to watch the fortunes of my learned friend. I did so, and was rewarded for my pains.

The evidence was given as shortly as it could be. My learned friend did not cross-examine much, and did not labour to any extent with the jury. The charge was that of receiving two lots of gold watches on two separate days, with the knowledge that they had been stolen. Certain documents, which somehow or other had escaped attention at the first trial, were now produced, and they showed that, besides being a pawnbroker, the accused had exercised the calling of a

money-lender, and had lent money to various persons in Swansea at a most exorbitant rate of interest. At the conclusion of the speech for the defence the Lord Chief Justice summed up in some such words as these :

“Gentlemen, I will preface my comments upon the evidence with a few remarks in reference to certain observations which have fallen from the learned counsel, and which appear to me to have nothing to do with the case that you are called upon as gentlemen, honourable gentlemen, as citizens, honourable citizens, to determine. He has said that the religion, or rather persuasion, to which the prisoner belongs, is most unpopular in this your principality” (the Welsh delight in this term). “God forbid that it should be so ! It would be a crying disgrace to you as Welshmen, as it would be to the inhabitants of any country, if one man could not meet with as equal a measure of justice as another man, no matter what his religious proclivities might be. I confess that I, who I hope am above all prejudice, do not for one moment believe that any such feeling exists. I, therefore, shall not make another observation upon the matter. Now to come to the facts of this case. The prisoner, who is by trade a pawnbroker, carries on his business in the town of Swansea, which is in this district of assize. The facts are very simple. It is alleged that on two different occasions he received watches—which, for the moment, if you please, we will call ‘A’ and ‘B’—and that at the time he received these watches, he, exercising those faculties with which he had been

endowed, and which any ordinary man must possess, knew that they had been stolen. Now the answer to that is what is termed in law an *alibi*. It is said he could not have received watches 'A,' because the day on which they were said to have been purchased at his shop was his Sabbath day. It was a Saturday, which, as you know, is the Sabbath of that most ancient people; and it is said that this good man could not have received the watches upon that day because, at the time when they were alleged to have been purchased, he was at his synagogue praying. It is also urged in his defence that the day on which the watches 'B' were disposed of at his shop was a day of fasting and humiliation among the Jews; that he was very strict in his religious observances; and that it is the custom for Jews to pass that day in their synagogue in prayer. Witnesses have been called to prove this, those witnesses being his daughter and his son. Well, gentlemen, far be it from me to insinuate that it is so, but it is an observation that I must make that there is the natural inclination of the child to protect its parent. I don't for one moment say that they came here to state that which is untrue—that is a matter entirely for you. Then his foreman gave evidence. Well, gentlemen, there again, you know—he is a servant in the house, and is dependent upon his master for his daily bread; but that, again, is a matter entirely for you. One thing has struck me in the progress of this case, and I'm sure it must also have struck you. It is a piece of evidence that did not come to

light in the previous trial, of which, by-the-bye, you never ought to have heard. Certain documents were found in the prisoner's possession relating to dealings, of the nature of usury, which he has had with people of his native town. Now, while the learned counsel was addressing you, I was adding up the amount of interest which this extremely religious man was in the habit of exacting from his clients, and I find it amounts to the somewhat exorbitant sum of from 180 to 200 per cent. Now it has occurred to me—I don't know whether the same idea has occurred to you—that this is just the sort of man who, either going to or returning from his synagogue, might call in at his shop just to see how matters were going on; but that also is entirely a question for you."

The jury put their heads together, and in about two minutes and a half returned a verdict of "Guilty." The learned Judge, addressing the prisoner, said he entirely agreed with the jury, and sentenced him to five years' penal servitude. The face of my learned friend, as the verdict and sentence were pronounced, was a study.



## CHAPTER XVIII.

HUIC PŒNAS EXIGIT IRA DEI.

The murder on the Brighton Railway—Description of Lefroy—His anxiety about his hat—A singular request—Inordinate vanity of the accused—Habits of the murdered man—The three first-class tickets—What took place on the arrival of the train—The watch and chain in Lefroy's boot—Appearance of the compartment—Lefroy's statement at the Town Hall—The journey to Wallington—Articles picked up on the line—The revolver—Disappearance of the accused—A mysterious telegram.

I SUPPOSE that the most sensational trial that I ever was engaged in during my career at the bar, was that of Percy Mapleton, *alias* Lefroy—described in the calendar as a journalist—who was tried in the Maidstone Assizes before the Lord Chief Justice (Sir John Coleridge) on the 5th of November, 1881. The Attorney-General (Sir Henry James, Q.C., M.P.), Mr. Poland, and Mr. A. L. Smith conducted the prosecution. I, with Mr. Forrest Fulton and Mr. Kisch, was specially retained by Mr. Duerdin Dutton to defend the accused.

The murder took place on the 27th of June, and it had attracted a great deal of public attention. In fact, in the interval that had elapsed, it had been a universal topic of conversation.

Before the magistrates at Cuckfield, the prisoner had been prosecuted by the Treasury authorities, and defended by his solicitor, Mr. Dutton. He had been committed to take his trial at the Autumn Assizes at Maidstone.

The prisoner was an extraordinary-looking young man of about twenty-two years of age. He wore a black frock-coat, tightly buttoned up, a low stand-up collar, and a dark cravat. He carried a brand-new silk hat in his hand. Upon entering the dock from the cells below, he made a low bow to the Chief Justice. He was at once called upon to plead to the indictment, "for that he was accused of the wilful murder of Frederick Isaac Gold upon the 27th of June." He replied, in a voice so inaudible that it almost amounted to a whisper, "I am not guilty." He was told that the time had come for him to make any objection to the jury, if objection he had to make; whereupon he bowed towards the jury-box, evidently with a desire to intimate that he was perfectly satisfied with its occupants. While the jury were being sworn, Lefroy stood listlessly with his hands behind him. Though self-possessed, it was clear that he was nervous.

Before the Attorney-General commenced his speech, the prisoner placed his hat on a ledge at the side of the dock. He took it up again, and then once more returned it to the ledge. Apparently, he was loth to part with it. It subsequently transpired that Lefroy was a man of considerable conceit. On the first morn-

ing of his trial, he actually asked for his dress-coat, in order that he might wear that garment in the dock. He was, in a word, a man steeped in a kind of petty, strutting, theatrical vanity. Nevertheless, it was almost inexplicable that he should devote more attention to his hat than to the proceedings of the trial.

The peculiarity was not confined to the opening day. Every morning, on taking his place in the dock, he put his hat down with the greatest circumspection, in the exact spot that he had originally selected for it; and every afternoon, when the Court adjourned, he took it up again with infinite care.

As will be seen from the evidence, the hat he wore at the time of the murder was missing, and the one he now cherished so fondly in the dock was a brand-new one, and had evidently been given to him by a friend during his incarceration.

It was curious to note the change that took place in Lefroy's bearing and demeanour whenever he caught sight of an artist from one of the illustrated papers in the act of sketching him. He suddenly brightened up, and, if I am not mistaken, assumed a studied pose for the occasion.

The Attorney-General, in opening the case to the jury, occupied about three hours. After stating the nature of the charge against the prisoner, he proceeded to give an outline of the evidence he was about to produce. It appeared that the murdered man, Mr. Gold, had lived in the suburbs of Brighton and was sixty-four

years of age. He had been engaged in business in London, but had retired some time before, retaining a pecuniary interest in one shop. Every Monday morning he proceeded to the metropolis for the purpose of receiving from his manager, Mr. Cross, his share of the weekly profits of that shop. Sometimes he took the money straight to his London bankers, and sometimes he carried it to his seaside home. On Monday, the 27th of June, Mr. Gold left his home at five minutes past eight to proceed by train to London, where he would arrive shortly before ten. He was dressed in his usual way, and carried in his pocket a watch with a white face, made by a person named Griffiths and bearing the number 16,261. On arriving in London, he proceeded to the shop, and received from Mr. Cross a sum of £38 5s. 6d. He then went to his bank, which was the eastern branch of the London and Westminster Bank, and there deposited the sum of £38. Mr. Gold was next heard of at the London Bridge Station of the London, Brighton, and South Coast Railway, where he arrived shortly before two o'clock. He was a season-ticket holder on the line, and was well known to the officials at the station. He entered the express train which left London Bridge at two o'clock, taking his seat in a carriage that contained four compartments. One was a second-class, another a first-class smoking, another a first-class, and the last a second-class. It was in the first-class smoking compartment that Mr. Gold was seen by the ticket-collector to take his seat. Just before the



train started, another passenger was seen to join him. By that train only three first-class tickets were issued from London to Brighton. Two of them were issued to a lady, and were subsequently accounted for. The third, which was numbered 3,181, had been traced to the prisoner. The train reached Croydon Station at twenty-three minutes past two. Eight miles from Croydon was a tunnel of about a mile in length, and as the train approached the entrance of that tunnel, the attention of a passenger named Gibson, a chemist, was attracted by the sound of four explosions. He imagined they were fog signals. After the train had run a further distance of eight miles, it reached a place called Horley. Close to the line there were some cottages, and outside one of them stood a Mrs. Brown and her daughter. As the train passed, they saw, in one of the compartments, two persons standing up and struggling together. Whether or not the two persons were merely larking, Mrs. Brown and her daughter could not say. Seven miles further on was Balcombe Tunnel, and, after passing through that tunnel, the train stopped at a place called Preston Park, which is about a mile from Brighton Station.

After the train had drawn up at the platform, the attention of the ticket-collector was called to the prisoner, who still occupied the same carriage that both he and Mr. Gold had entered at the commencement of the journey. The prisoner was found in a dishevelled condition, and smothered with gore. Apparently he was wounded in the head. His collar was gone. A



quantity of blood was bespattered about the compartment. Lefroy asked for a policeman, and made a statement to the ticket-collector. He declared that, when he commenced the journey from London, two persons had been in the carriage with him. One of them he described as an elderly man, and the other as a countryman of about fifty years of age. He went on to say that, as the train entered the tunnel, he was attacked by, he believed, the elderly man, that he became insensible, and that he knew nothing of what occurred until just before the train arrived at Preston Park.

When he alighted upon the platform, attention was called to the fact that a watch-chain was hanging from his shoe. The prisoner explained that he had placed it there for safety. Upon the chain being removed, it was found that a watch was attached to it. He was allowed to retain possession of those articles.

The prisoner was taken to the Town Hall at Brighton, where he made a statement. From the Town Hall he was removed to the hospital, and after remaining there for some time, in the custody of two policemen, he was permitted to return to his place of residence at Wallington, near Croydon. The house at Wallington where he went was the house of his second cousin.

At a quarter to four, or four o'clock, on the Monday evening, some forty-five minutes after the train had passed through Balcombe Tunnel, a platelayer came

upon the body of Mr. Gold, lying near the entrance thereto. The marks on the corpse left no doubt that the unfortunate gentleman had been shot. Subsequently, indeed, a bullet was found in his neck. The body was further disfigured with wounds that had apparently been inflicted by a knife; and from the nature of those injuries the conclusion might be drawn that a long and deadly struggle had taken place between Mr. Gold and his assailant.

At a quarter past five, another platelayer, working on the line some distance nearer Brighton, found a shirt-collar. As already stated, when the prisoner arrived at Brighton, he was without one. He had indeed, in company with a policeman, gone to a shop in Brighton, and purchased a new one; and it was afterwards seen that the collar found and the collar purchased were of the same size.

At five minutes past three, at a place called Burgess Hill, which was situated some forty-two miles from London, a hat was discovered on the up-line, and, at a place called Hassock's Gate, a young woman working in a field some yards from the railway found an umbrella which, as was afterwards proved, had belonged to Mr. Gold. The watch taken from the prisoner's shoe was also found to have been the property of the murdered man.

Three Hanoverian medals, which somewhat resembled sovereigns, were found in the carriage from which the prisoner alighted at Preston Park, and, according to

the testimony of the persons with whom Lefroy had resided, he had been in the habit of carrying such medals about with him. Nevertheless, when questioned on the point, he denied all knowledge of the three that had been found.

It was known that, on the day of the murder, Lefroy had a revolver in his possession. Some time previously it had been pawned for five shillings by a person giving the name of William Lee. On the 27th of June—namely, the day on which Mr. Gold was murdered—the pledge had been redeemed. The prisoner was alleged to be the man who pawned the revolver and afterwards reclaimed it. After taking out the weapon, sufficient time would have been left him to proceed to London Bridge Station and catch the train in question.

Besides the hat belonging to Mr. Gold that was found upon the line, a second hat was discovered there, and this was of the same shape, make, and size as the one Lefroy was in the habit of wearing.

The accused was accompanied, on his return journey from Brighton, by two policemen. At one of the places where the train stopped, an official of the company entered the carriage, and, speaking so as to be heard by the accused, stated that a body had been found in the tunnel. This information seemed to determine the accused as to his future movements.

After the two constables had quitted the house at Wallington, whither they conducted Lefroy, he told the servant that he was going out in order to

visit a surgeon in the neighbourhood. As a matter of fact, he never went to any doctor at all. What became of him during the next few days was shrouded in mystery. It was known, however, that on Thursday, the 30th, he made his appearance at the house of a Mrs. Bickers, in Smith Street, Stepney, where lodgings were to let. At that time there was, of course, a hue-and-cry after him. He gave a false name, and stated that he had come from Liverpool, and that he was an engineer. He remained at the house for a week. He only went out of doors once or twice, and it was clear to its other inmates that he had no occupation.

While lodging in Smith Street, he caused somebody to take a telegram for him to the Post Office. The message was sent in the name of Clarke to a Mr. Seal, at an office in Gresham Street. It ran as follows: "Please send my wages to-night without fail about eight o'clock. Flour to-morrow. Not 33."

On the evening of the day on which the telegram was sent, two police-officers, one of whom was Inspector Swanson, called at the house in Smith Street, and took Lefroy into custody. In his room a false beard was discovered.

The first day of the trial was occupied by the Attorney-General's address, and by the brief examination of one or two witnesses.

So far, the proceedings apparently made little impression upon Lefroy, for beyond every now and

then lifting his eyelids, he made no sign. At times, indeed, he seemed to be dozing.

The jury, which was composed of twelve quiet-looking men, evidently drawn from agricultural scenes, clearly took the profoundest interest in the proceedings. Some of them from time to time jotted down notes.



## CHAPTER XIX.

QUE TE DEMENTIA CEPIT?

Lefroy's bearing during my speech—A curious interruption—The Attorney-General's address—Lefroy's remark to the gaoler—Sir Henry's false prophecy—The verdict—Demeanour of the prisoner—A theatrical effect—Two remarkable letters—Lefroy's youth—"Two Boxing Nights": a story he wrote—A confession—The motive for the crime.

ON the second day of Lefroy's trial, the Police Superintendent of Lewes gave evidence as to the wish expressed by the prisoner to wear the dress-coat. The subject at once aroused the interest of Lefroy, and he listened intently to what passed.

"He asked me," said the superintendent, "to let him have the pawn-ticket for his dress-coat, as he wished to appear in it at the trial."

The persons in Court smiled, and no wonder. The picture presented to the mind, of the prisoner, arrayed in evening dress, standing behind the spiked bars of the dock, was irresistibly ludicrous. Apparently, Lefroy plumed himself not a little on the possession of a dress-coat. Perhaps in his mind evening clothes denoted

extraordinary respectability. Of all his worldly goods, they were certainly the last he parted with; and of all his wardrobe, they were in the best condition. When he did pawn them, it was only under pressure of absolute want. What effect he supposed his appearance in a dress-coat in the early morning would have had upon the minds of the jury, I do not for one moment profess to understand.

On the third day of the trial, which was a Monday, the case for the prosecution closed, and, at about eleven o'clock, I rose to address the jury for the defence. My speech (of which a verbatim report appears at the end of this volume) lasted for about three hours, and I do not think that I ever saw a jury more attentive than on this occasion. Some of them gave way to tears.

Once during the delivery of my speech, Lefroy shifted his chair a little, and seemed for the moment as though he really intended to wake up and listen. This was a mere spasmodic effort, however, and it soon died away. He either had not any interest in the business in hand, or he took care to disguise it.

I endeavoured in the first instance to show the weakness of the prosecution in failing to connect Lefroy with the knowledge of Mr. Gold's habits. I commented on the testimony of the various witnesses, in the order in which they had been called, and endeavoured to show that, though the evidence was strongly circumstantial, the prosecution had failed to establish the

fact, beyond any doubt, that the murder was actually committed by the prisoner.

A curious circumstance occurred while I was dealing with the evidence of a man named Weston, a member of the Brighton Town Council. Upon my describing him as a fabricator of evidence, he jumped up in Court and, with his arms moving about like the sails of a windmill, demanded an instant hearing. The only satisfaction he obtained was the curt answer from the Bench: "I shall have to order you to be removed if you do not be silent."

The Attorney-General—who is the only man at the Bar, save his representative, the Solicitor-General, who has a prescriptive right to reply to a defence where no witnesses are called—in a speech of two hours' duration, calmly, and without any display of rhetoric, save at rare intervals, proceeded to comment upon the whole of the proceedings. He produced rather a dramatic effect when, with his fingers pointed towards the prisoner at the bar, he alluded to him as "a fellow-creature standing on the very brink of the precipice of his fate." I am bound to say, however, that, as a whole, his speech was unimpassioned and judicial. It was very earnest, was marked by cogency and closeness of reasoning, and was full of hard, destructive facts. He begged the jury to dismiss all sentiment, and appealed strongly to their reason. No fact that could be brought into view was missed, and no symptom was given of a desire to distort the

evidence. At half-past five he concluded his address, and the Judge adjourned, to sum up the case on the morrow.

It subsequently transpired that, when Lefroy quitted the dock that evening, he was so confident as to the result of the trial being in his favour, that he turned to the gaoler, and said: "When I am acquitted, I hope I shan't be mobbed."

Both the Attorney-General and myself had to proceed to London that night. We went up to town in the same railway-compartment, and chatted over the case on the journey. He said to me:

"You have won your verdict; that fellow will be acquitted."

I shook my head. I had noticed that; whatever effect my speech might have made upon the jury, the Chief Justice, during its delivery, occupied himself by making copious notes for his summing-up; and I knew that he intended to answer me on every point. In replying, therefore, to Sir Henry's observation, I said:

"Wait till to-morrow. You've not heard the Judge yet. Lefroy is a doomed man."

On the following morning, my anticipation as to the nature of the summing-up was fulfilled. It was a most deadly one. His lordship spoke from the sitting of the Court until five-and-twenty minutes to three.

The jury, after a short retirement, returned a verdict of "Guilty," and the prisoner was sentenced to death.

During the absence of the jury, I noticed that the prisoner, whose life was hanging in the balance, showed symptoms of nervousness for the first time. His hands seemed to come mechanically to his face, his fingers twitched as he tugged at his moustache, and he moved uneasily in his chair, being evidently unable to control his emotion. Once or twice he got up from his seat, leant over the bars of the dock, and addressed a few words to his solicitor, Mr. Dutton; then, as if by a great effort of will, he sat down again, and was comparatively calm.

When the foreman pronounced the word "Guilty," up rose Lefroy, and, placing his hands behind him, advanced to the rails. He seemed to be altogether at his ease, though pallid. There was a moment, however, when he grasped convulsively at the rails, and swayed to and fro, as though about to fall. But the weakness was only for a moment. The next minute he was himself again, and, folding his arms, he fixed his eyes intently upon the jury.

Just before he left the dock, he stretched out his right arm, in a theatrical way, towards the jury, and said :

"Some day you will learn, when too late, that you have murdered me." Then, with a firm step, he retired, and disappeared from the public gaze.

Two extraordinary letters—one of them written by Lefroy, evidently while he was in prison; the other being the answer thereto—came into my hands. They



are in my possession still, and, believing they may have an interest for the reader, I give them in these pages in facsimile. As the handwriting, in both cases, presents some difficulties, I give the text of the letters separately.

Lefroy's letter runs as follows :

“Monday, Oct. 17.

“MY DARLING ANNIE,

“I am getting this posted secretly by a true and kind friend, and I trust you implicitly to do as I ask you. Dearest, should God permit a verdict of ‘Guilty’ to be returned, you know what my fate must be unless you prevent it, which you can do by assisting me in this way. Send me (concealed in a common meat pie, made in an oblong tin cheap dish) saw file, six inches or so long, without a handle; place this at bottom of pie, embedded in under crust and gravy. And now, dearest, for the greater favour of the two. Send me, in centre of a small cake, like your *half-crown* one, a tiny bottle of prussic acid, the smaller the better; this last you could, I believe, obtain from either Drs. Green or Cressy for *destroying a favourite cat*. My darling, believe me when I say, as *I hope for salvation*, that this last should only be used the last night allowed me by the law *to live*, if it comes to that last extremity. Never, while a *chance of life remained*, would I use it, but only as a *last resource*. It would be no suicide in God’s sight, I am sure.

Monday Oct 17

My darling Annie.

I am getting this fooled secretly  
of a time at Randford and I trust you  
implicitly to do as I ask you.  
I want. I should not permit a receipt  
of Emily to be returned you know what  
my fate must be unless you prevent  
it which you can do by enclosing me  
in this way. Sew me (concealed) in a common  
meat pie made in an oblong tin etc up etc I  
~~the pie~~ sew file 6 inches  
or so long, without a handle, place  
this at bottom of pie embedded in  
under crust & gravy. And now dearest

Should be no suicide in Ed's  
sight. I am sure. Dearest. I trust.  
This matter is your to and me  
I will face my kind as an  
innocent man should and I  
believe Ed will restore me to  
you more soon after this  
fearful lesson, but should  
the not the file would give  
a chance of escape with  
life, while it both failed

I have been told some very  
positive things about your death.  
Understand. By looking West  
I am convinced I must me  
from a tin of powder. I am  
with the ship. I am  
get from the ship. I am  
to command. Get them  
home & tell me. direct them in  
a pained hand to send any accompanying  
note. If you receive this safely and will  
and me by return, send a post card saying  
"Dear P. Capt. Leary has returned". So I think  
of safety mine at least.

for the gentle flavor of the tea  
I cut me in <sup>centre of</sup> a small cake like  
your half croissant one eating  
bottle of Prussic Acid. the

smaller the better, this last you could  
I believe obtain from either Dr. Green or  
Cresay for destroying a favorite cat. My  
darling, believe me when I say as  
I hope for salvation that this last  
should only be used the last night  
allowed me by the law to live. if it  
came to that last extremity. How shall  
a chance of life remain would I  
use it but only as about resource



I have tried  
to get a writing  
for 24 hours  
but as yet have  
failed. —  
All I can do, I  
will give you  
to put.  
My belief in  
your goodness  
is justice, for  
I feel certain it  
was not intended  
if by any miracle  
chance for success  
with the complaint  
was all at hand to  
bring you things so.

My ever dearest Percy, I am writing this, hoping that  
it will do me the great kindness of taking this  
to you, because I may not have another opportunity.  
First I must tell you that the delay about what you  
mentioned has happened thus our being told that only  
two ships in London make them, but trust before  
you leave this it will have arrived safely, if to  
say in your next. "The little basket with butter &c.  
came safely"; as to the other thing, oh my darling  
my heart is almost torn with the agony as to what  
to do about it, to think that I should be the means  
of putting you out of the world; or to think  
that it is I who leave you to an awful fate.  
Darling can a suicide repent? what is anything  
compared to our future happiness or misery.  
God can & will pardon all, sins the blackest  
& worst if we are only sorry & believe in his  
power to save, but how about one that you  
have no time to be sorry in. In any case I could  
not get it from ~~the~~ you mention, nor the A.P. from  
Hart. If I were alone no risk I incurred for.

your sake, I should think of for a moment  
but it would be dreadful for the poor little  
ones, were I taken from them for years, as I  
should surely be, were it traced, I thought of  
Julia, but do not know whether it would be  
safe, say what you think. If the worst happens  
shall we be allowed to see you once in a room, it  
would be time then. Daily you know I would  
do any thing for you I could, or that would  
not be bad for you, but your soul is dearer  
I more precious than your body, and my  
one great, indeed only comfort will be  
in looking forward to the time when  
we shall meet again, my love if it were  
not for that hope, my misery would  
be unbearable, oh do turn to him in  
this time of aweful trouble. His arms  
are open to you, whatever the verdict  
of the world may be, our dear Mother  
will rejoice to have you, only confess  
all you have to confess, to Him who is  
able to save to the uttermost; I

elieve in his love. you know you have done  
many wrong things, & might have gone from  
bad to worse if this frightful calamity had  
not stopped you. I think certainly you have  
had some bad friends, I would be glad  
to know this, was it Fambton? Are you  
shielding anybody? My theory is this, wanting  
means, the sight of the ..... was a great  
temptation, & unexpected resistance  
caused the rest. - If this is correct  
some time or other say, "what you  
surmised in your last, is I fancy  
correct" or something like that, so that  
I may understand, my own share  
or, I cannot fancy it pre-arranged, but  
of course I know, something about the  
..... that no one else does, & it is that  
in a great measure that fills me  
with such sickening dread, & wretchedness  
for your sake. My darling what did you



want money so much for. Wouldn't it  
be a comfort to tell someone, everything  
for, now I would guard your  
honour, as my own, & all would be  
safe with me. Think it over, & if  
what we dread happens, write me a few  
lines by..... who I know will  
give it to me unopened. In any case  
your name & memory, will, <sup>every</sup> be among  
those most loved & cherished by our  
dear little ones, as well as ourselves  
into morro, and love you now. Do you  
still wish for a likeness of V. L.? One thing  
more, has anything I have ever said or done  
or left unsaid or undone ~~that~~ helped you  
to do wrong? I feel bitterly that I have  
not been the friend I might have been,  
in speaking more openly &c. but I feared  
to hurt your feelings. Goodbye my dearest  
dearest Percy. Pray without ceasing that  
you may yet be restored to us in the world.  
Love ever long & heartbroken Ann <sup>Soel bless</sup> & comfort

Dearest, I trust this matter to you to aid me. I will face my trial as an innocent man should, and I believe God will restore me to you once more after this fearful lesson; but should he not, the file would give a chance of escape with life, while if both failed, I should still save myself from dying a felon's death *undeserved*. By packing these, as I say, carefully, sending with them a tin of milk, etc., no risk will be incurred, as my things are, comparatively speaking, never examined. Get them yourself soon, and — [an indistinct word is here omitted] and direct them in a feigned hand, without any accompanying note. If you receive this safely, and will aid me, by return send a postcard, saying: '*Dear P., Captain Lefroy has returned.*' Send them by Friday morning at latest.

"If not P.A., get arsenic powder from Hart or other (or through Mrs. B.); wrap up in three or four pieces of paper.

"God bless you, darling. I trust you trust me. I can conceal several small things about me in safety."

The other letter is as follows:

"23 Oct., '81.

"MY EVER DEAREST PERCY,

"I am writing this, hoping that Mr. — will do me the great kindness of taking it to you, because I may not have another opportunity. First I must tell you that the delay about what you mentioned has



happened through our being told that only two shops in London make them, but trust before you have this it will have arrived safely; if so, say in your next: 'The little basket with butter, etc., came safely.' As to the other thing, oh, my darling, my heart is almost torn with the agony as to what to do about it. To think that *I* should be the means of putting you out of the world, or to think that it is *I* who leave you to an awful fate. Darling, *can* a suicide *repent*? What is ANYTHING compared to our future happiness or misery? God *can* and WILL pardon ALL sins, the *blackest* and worst, if we are *only* sorry and believe in His power to save; but how about one that you have *no time* to be sorry in? In any case I could not get it from those you mention, nor the A. P. from Hart. If I were alone, *no risk* I incurred for YOUR SAKE I should *think of for a moment*; but it would be dreadful for the poor little ones were I taken from them for years, as I should surely be were it traced. I thought of Julia, but do not know whether it would be safe; say what you think. If the worst happens, shall we be allowed to see you once in a room? It would be time then. Darling, YOU KNOW I would do ANYTHING for you I *could*, or that would not be BAD FOR YOU; but your soul is dearer and more precious than your body, and my one great, indeed, *only* comfort will be in *looking forward* to the time when we SHALL MEET AGAIN; my love, if it were not *for that hope*, my misery would be UNBEARABLE. Oh, DO TURN to Him in this time of awful trouble; His arms

are open to you. Whatever the verdict of the world may be, our dear mothers *will rejoice* to have you; *ONLY confess* all you have to confess to *Him*, who is *able* to save *to the uttermost*, and *believe* in His love. You know you have done many wrong things, and might have gone from bad to worse if this frightful calamity had not stopped you. I *think certainly* you have had some bad friend, and would be glad to *know* this—was it '*Lambton?*' Are you shielding anybody? My theory is this—wanting means, the sight of the . . . was a great temptation, and unexpected resistance caused the rest; if this is correct, some time or other say: 'What you surmised in your last is, I fancy, correct,' or something like that, so that I may understand. My own dear one, I cannot fancy it prearranged; but of course I know something about the . . . that no one else does, and it is that in a great measure that fills me with such sickening dread and wretchedness for your sake. My darling, what did you want money *so much* for? Wouldn't it be a comfort to tell *some one* EVERYTHING you *know*? I would guard your honour as my own, and all would be *safe* with *me*. Think it over, and if what we dread happens, write me a few lines by Mr. —, who, I *know*, will give it to me *unopened*. In *any case* your name and memory will ever be among those *MOST LOVED* and *cherished* by our dear little ones as well as ourselves, who know and love you now. Do you still wish for a likeness of V. C.? One thing more.

Has anything I have ever said, or done, or left unsaid or undone, helped you to do wrong? I feel bitterly that I have not been the friend I might have been in speaking more openly, etc., but I feared to hurt your feelings. Good-bye, my dearest, dearest Percy. PRAY WITHOUT CEASING that you may yet be restored to us in this world. God bless and comfort you.

“Your ever loving and heart-broken

“ANNIE.

“I have tried through Smith to get a *witness* [?] for third person, but as yet have failed ——. *All I can* do I will, you may be sure. My belief in your innocence is *genuine*, for I feel certain it was not intended. If by any merciful chance you succeeded with the implement, how should we know, to bring you *things*, etc.?”

. . .

Lefroy's friends were in the habit of referring to him as a “shy, gentle, timid, good-natured boy.” He appears to have been of a romantic disposition, and to have found his chief delight in the companionship of books. It is said that all his friends and relatives were very fond of him, and that they had been very anxious lest his delicate state of health, and the weakness of his constitution, should have unfitted him for hard study and physical labours.

Lefroy was in the habit of constantly visiting the theatres, and he wrote one or two plays, which, however, did not prove successful. Nevertheless, he

sometimes succeeded in getting little things accepted by small weekly papers. The following is a short story written by him, and published after his execution :

### “TWO BOXING NIGHTS.

“Christmas time ! There was no doubt about it. Everything and everybody savoured of it. The light of Christmas fires shone through and gleamed behind closely-curtained windows, with merry leaps, sending showers of golden sparks up dark chimneys, to emerge more bright and dazzling than ever in the clear, frosty air, like fleeting souls hastening through the gloom and cares of life to shine in higher regions.

“ ‘Christmas !’ cried the bells, as they pealed softly through the still night air ; ‘Christmas ! merry Christmas !—Christmas ! merry Christmas !’ so merrily and cheerily that he must have been a man of stony heart who did not echo it, too, from sheer sympathy. ‘Christmas !’ murmured the dark river, as it lapped against the buttresses of the old stone bridge, and then sped away with many a secret in its gloomy bosom to the sea, where, in company with many others of its race, it murmured still of Christmas ; and ‘Christmas time !’ pleaded inebriated gentlemen when questioned by stern policemen as to why they were sitting in frozen gutters at midnight. For that one day a sort of universal truce seemed to be established. Creditors forgot their debtors, debtors forgot their



creditors; wives forgot to scold, husbands to abuse, and young husbands forgot their mothers-in-law, which was, perhaps, hardest of all. Conservatives and Liberals, Churchmen and Dissenters, 'old boy'd' and 'old fellow'd' each other to their heart's content, and the plea for all was—Christmas! But when the world got up next day, what a change was to be seen! Closed blinds, no church bells, shops shut—just as if every one was ashamed of his or her last night's festivity.

“There wasn't much going on indoors to-day, for it was Boxing Day—that day sacred to Christmas-boxes, bills, and last, but by no means least, pantomimes. And to go to one of these last the children were mad with hope long deferred. Papa and mamma affected not to like or care for such trivial amusements at all, but the children—sly dogs, those children!—knew that when once within the cosy recesses of that 'lovely private box,' no one would cry 'bravo' more loudly, or clap his hands more vehemently than papa. And what a lot of pantomimes there were, too! Just look at the various hoardings: *Robinson Crusoe*, *Jack the Giant-Killer*, *Aladdin*, and many other well-known stories had been made to contribute to the common good. But first and foremost among the brightly-coloured bills was one that informed the reader 'that on Boxing Night would be produced at the Rotunda Theatre' the grand Christmas pantomime, *Jack and the Beanstalk*. Then followed the list of



characters, scenery, etc., and at the end, in large letters, 'Clown—Jolly Joe Jeffs.'

"The Rotunda must have been a well-known theatre for pantomime, for that night it was crammed from floor to ceiling. Everything had gone off without a hitch. The music was pretty, scenery magnificent, and the grand ballet had been pronounced by the crutch-and-toothpick genus in the stalls to be 'splendid,' and by an old lady in the pit to be 'beastly.'

"And now, out of breath with honest laughter, warm, thirsty, and packed like sardines in a box, the great audience sat anxiously waiting for the 'grandest transformation scene ever attempted at the Rotunda,' *vide* bills. If there was excitement in front, so there was behind. Every one busy, excited, and nervous, the manager and stage-manager not being by any means in that happy condition described by the immortal Mrs. Jarley as 'cool, calm, and classical.'

"Inside one of the principal dressing-rooms was a man, clad in a clown's dress, pacing moodily up and down, and listening with feverish impatience for a footstep which never came. It was Joe Jeffs, and the person he was waiting for was his wife. And she was a wife worth waiting for, too. Young, pretty, and loving, Nellie Raynor, then only—and, indeed, up to within a week or so of the present time—a ballet-girl at a West End theatre, had brought some new joy and life to honest, hard-working Joe Jeffs, who, though nearly fifteen years her senior, loved

her with a strong and passionate love, and would cheerfully have laid down his life if it had been necessary to save her from harm. And this winter, when Nellie, through her husband's influence, got engaged at the Rotunda as columbine, Joe Jeffs thought that his cup of happiness was full to the brim.

"A knock at the door. 'Come in,' cried the clown. Mr. Flies, the stage-manager, entered. Flies was a little short man, with a round red face, with very short black hair, so short that it always stood on end, as if each hair was desirous of looking over its neighbour's head.

" 'I'm very sorry, Mr. Flies,' said the clown, humbly, 'very sorry; but Nellie told me to-night she wasn't well, and would lie down for a bit, and would come later on. I sent a boy to our place some time ago, and she must be here in a minute.'

" 'Minute!' roared Mr. Flies, 'what's the good of a minute? I—who the devil's that?' as a hand was laid on his arm.

"It was the harlequin, in the bills Roberto Taylari; out of them, Bob Taylor, an old friend of the clown's.

" 'I've got an idea,' said the harlequin, giving a kindly, unseen nod to his friend. 'Say a few words to the public, and let my girl Bella go on for the part to-night; she's about Mrs. Jeffs' size, and I've taught her the trip long ago.'

"Miss Bella Taylari was in the front row of the ballet, consequently could dance well and look pretty;

but, best of all, was there on the spot, so to speak. The stage-manager didn't take long to make up his mind.

“ ‘Bob,’ he said, to the harlequin, ‘you’re a brick. The very thing. Get the girl dressed at once, and I’ll get the guv’nor to speak to them.’ *Them* being the audience, who were now in a state of noisy impatience. Mr. Flies hurried off.

“ ‘Tell your missus it’s all right, old man,’ said the friendly harlequin, as he hurried away.

“ The clown was about to reply, when a light footstep was heard approaching. A happy smile lighted up his face. ‘At last,’ he said, with a sigh of relief, as the footsteps neared the door. Quickly he turned the handle and threw it wide open, but only to start back with a cry of disappointment, for the new-comer was not his wife, but the boy he had sent an hour previously. ‘Well,’ cried the clown, ‘what did she say?’

“ The boy shook his head stolidly.

“ ‘I didn’t see her, sir,’ he said; ‘only the landlady, and she guv me this.’ The clown held out his hand, and into it the boy put a tiny note, on which was written, in a woman’s hand, ‘To be given to my husband.’

“ ‘You can go,’ said Joe Jeffs, in a voice which was so hoarse and strange that for a moment it startled the lad. When the door was again closed the clown looked at the tiny missive. Was she frightened that he would be angry with her for remaining so long behind the time, and so did not care to come at all, but wrote instead? That must be it. With trembling hands he

hastily tore it open, and read: 'Husband, good-bye; I shall never see you any more. I am going away with some one that loves me very much. You were always too good for me. May God forgive your poor lost Nellie!' Nothing more. Only an old, old story, with a vulgar clown and his wife as hero and heroine.

"Joe Jeffs raised his head. Was it paint alone that gave that awful deathly look to his face and fixed glassy eyes? Was it clowning that caused the strong man's hands to shake as if he were suffering from the palsy? And, above all, was it art or nature which made that bitter cry of agony arise from the uttermost depths of a broken heart?

"At that minute the call-boy's shrill voice was heard, 'Mr. Jeffs, the stage waits!' Mechanically the clown reeled to the door and opened it, down the narrow, dark passage, and staggered through the wing on to the brilliantly-lighted stage, and then, in a voice more resembling the croak of a raven than the utterance of a human being, gave vent to the time-honoured utterance, 'Here we are again!'

"How the house roared at the strange voice and staggering gait! Such quiet humour! So dry, very dry! And then, after such a capital commencement, the great audience settled down with keen anticipation for the fun that was to come. And come it did. With what zest did Jolly Joe Jeffs trip up the policeman, steal the sausages, and go through the hundred and one odd tricks which go to make up the sum total of a



harlequinade ! The ' gods ' were in one continual roar ; even the stalls and circle were mildly excited, while as for the pit, the opinion of that black, seething mass of humanity may be briefly summed up in the words of an excited old gentleman, who, carried away by his enthusiasm, flung his neighbour's hat into the air, crying, ' Splendid, sir, splendid ! Grimaldi was a fool to Jolly Joe ! ' And tumbling, grimacing, tripping up, now dancing on a spade, a minute later cracking sly jokes, the clown went through it. Only the clown, though, for God's beautiful creation — man, was gone. When his poor, aching head swam for a moment, and he fell heavily to the ground, what a shout went up ! Droll fellow, that Jeff—very droll ! And their laughter reached its culminating point when, during a hornpipe by the pretty columbine, two large tears stole down the clown's painted face, as he, in burlesque fashion, attempted to imitate it. ' He's a-crying with laughter ! ' roared the excited gallery, and they cheered him to the echo for entering so heartily into the spirit of the thing. At last the end came. One last wild trick, clouds of smoke from the coloured fires, a last mad ' rally,' and, amidst tremendous applause, the pantomime was over. As the band commenced to play the National Anthem, Jolly Joe Jeffs staggered off the stage, as he had staggered on. Ere he could reach his dressing-room two men stopped him. One was Mr. Flies, the other Mortimer, the manager. ' My boy,' said the latter, taking him by both hands, and shaking them warmly,



'you've surpassed yourself. If only your wife could have seen you!' That was enough. For a minute Jolly Joe stood erect, and then, with a wild, gasping cry, fell heavily to the ground. The clown was gone, but the man was there.

"NIGHT THE SECOND.

"Ten years rolled by. Ten long, weary years they had been to Joe Jeffs, who had never given up the search for his lost darling. A few weeks after his great loss an old relative had died, leaving him a small annuity. On this he had lived, or rather existed, wandering aimlessly about the country in the hope of one day finding his wife, whom, in spite of all, he loved as fondly as ever.

"And this Boxing Night, he was walking down the little High Street of Milford, weary, hopeless, and sick at heart, to all appearance a bent, careworn, old man, a mere wreck of the merry fellow who ten years before had made a great theatre resound with peals of laughter at his drollery. Quickly the clown walked on, for the night was cold, and the biting east wind seemed to pierce his bones to the very marrow. When within a few yards of the little inn at which he was staying, his arm was touched.

"'Buy a box of lights, sir; do buy a box, please!'

"He turned. A woman, wretchedly clad, and with death stamped in every feature, stood at his elbow.

“ ‘No,’ answered the clown, roughly ; ‘I don’t want any,’ and he walked on.

“But the beggar was not so easily shaken off. She detained him again, and as the wind lulled for a minute, her voice rang in his ear :

“ ‘Buy a box, sir ; just one box !’

“At the sound Joe Jeffs turned.

“ ‘Let me see your face,’ he cried, hoarsely ; then, as the pale light of the moon fell upon it : ‘Nellie, dearie, don’t you know me ?—Joe, your husband ?’

“But there was no reply, for his long-lost wife lay insensible in his arms.

“She was dying, the doctors said—dying of cold and want. So they told her husband, sitting by her bedside in the little inn.

“ ‘Can nothing save her ?’ asked the clown.

“ ‘Nothing on earth, my poor fellow—nothing on earth.’ And the old doctor looked out of the window and blew his nose violently, for a kind-hearted old man was the doctor, and knew something of poor Joe’s story, and felt for him.

“ ‘Joe.’

“ ‘Yes, darling.’

“ ‘Are you sure you quite forgive me ?’

“A loving kiss was the only answer.

“ ‘Nellie, I won’t be long,’ cried the clown.

“ ‘Listen !’ And by a great effort the dying woman raised herself up ; then suddenly :

“‘Joe, dear, what day is it?’

“‘Christmas Day, Nell.’

“‘Ah! so it is. More light, for God’s sake, more light!’

“The doctor made a movement of his hand, and the attendant drew back the curtains from the little window which looked upon the sea, on which lay a broad path of gold, formed of the last rays of the setting sun upon the water.

“‘How bright it all is, Joe,’ cried the dying woman, as she sank back upon her pillow. ‘At last, at last! Joe, darling husband! good-bye!’

“And with a sweet and happy smile upon her face, Nellie went down with the sun.

“Joe Jeffs still lives at Milford, but he is wonderfully changed, though. People say he is mad, and so he is, in a sad, harmless way. For as sure as Boxing Night comes round, he paints his face and dresses just as clowns do, and there in the little tap-room of the ‘Red Lion’ he sings ‘Hot Codlins’ in a little, thin, cracked voice, and tumbles in a mild and feeble way, and plays a few clownish tricks. How the villagers laugh! They know he is mad, but that doesn’t take away from their enjoyment; and one of old Joe’s funniest tricks is to address them all as ‘ladies and gentlemen,’ and apologise for the non-appearance of the columbine. But when all the merriment is over, old Joe, with his clown’s dress still upon him, creeps down, whatever the weather may

be, to the little churchyard, where, with his poor old gray head pillowed on a little marble slab inscribed 'Nellie,' he pours out a bitter prayer that heaven may take him soon to her he loved so well, and ere he leaves the tomb, with great tears upon his painted face, he softly prays for Nellie too. But the end must soon come.

"Each Boxing Night old Joe goes through the same performance, and the people laugh as vociferously as before. But every year he gets more feeble. He can't tumble as he used to, and his sight and memory seem failing fast, and the absent look in his face seems to denote that his thoughts are far away.

"And now when people meet old Joe Jeffs, they shake their heads sadly, for they know that soon, very soon, the curtain must fall."

According to a statement Lefroy left with the prison chaplain, he spent almost his last penny, on the day of the murder, to buy the railway ticket that placed him in a situation to commit the crime. He said he had no knowledge of Mr. Gold's habits, and no particular reason for supposing that that gentleman had money or valuables in his possession.

Just before his execution, a document was handed, at his request, to one of his nearest relatives. In it he stated that he had been desperate, owing to his want of money, and that, upon the morning of the murder, he rose early with the intention of obtaining funds,

even though his efforts to do so involved murder. From this document it appears that, on arriving at the railway station, he walked up and down the platform, and looked into all the carriages, in the hope of discovering a lady likely to have some money in her possession. He stated that he thought he might succeed in robbing a woman by threatening her, and added that if he could, in this way, have avoided murder, he would have done so. He felt, he said, that if he offered the lady the alternative of giving up her money or her life, she would at once have yielded up the former. He could have coerced her by pointing his pistol at her, and, if necessary, he could have dealt her a blow which would have caused her to swoon. Seeing no lady whose appearance betokened the possession of any considerable sum of money, he entered a carriage which contained one gentleman, and immediately nerved himself for the commission of murder. In conclusion, Lefroy admitted that the finding of the jury was just and right.



## CHAPTER XX.

IMPIA SUB DULCI MELLE VENENA LATENT.

A remarkable case of murder—George Henry Lamson—The young cripple at Blenheim House, Wimbledon—An affectionate letter—How the property was divided—Lamson's pecuniary difficulties—His visit to the school—The sweets, the Dundee cake, and the gelatine capsules—An agonising death—Interesting scientific evidence—Experiments with the mice—My lines of defence—The prisoner's demeanour on hearing the verdict—Devotion of Lamson's wife.

THE next case of murder in which I defended was one of even greater interest, in my judgment, than that of Lefroy. The accused was George Henry Lamson, a surgeon, twenty-nine years of age. He was charged with the murder of his brother-in-law, Percy Malcolm John, who met his fate on the 3rd of December, 1881.

The trial took place before Mr. Justice Hawkins on March 9th, 1882, and the five following days. The Solicitor-General, Sir F. Herschell, Mr. Poland, and Mr. A. L. Smith appeared for the Crown; while I, Mr. C. Mathews, and Mr. E. Gladstone defended the accused.

Percy Malcolm John, a lad of about nineteen, who was a sufferer from paralysis of the lower limbs, and

unable to walk, was a pupil at the school of a Mr. Bedbrook, Blenheim House, Wimbledon. Two wheeling chairs were kept for his convenience in the building. One was for use on the second floor, where he slept, and the other in the basement, where he remained during the day. It was the custom for one of the boys to carry him downstairs every morning, and to carry him up again at night.

On Friday, the 2nd of December, he stated to his schoolmaster that he expected a visitor. No visitor, however, arrived. He had received a letter, dated December 1st, which ran as follows :

“NELSON’S HOTEL, GREAT PORTLAND STREET,  
“LONDON.

“MY DEAR PERCY,

“I had intended running down to Wimbledon to see you to-day, but I have been delayed by various matters until it is now nearly six o’clock. By the time I should reach Blenheim House you would probably be preparing for bed. I leave for Paris and Florence to-morrow, and wish to see you before going, so I purpose to run down to your place as early as I can for a few minutes, even if I can accomplish no more.

“I am, dear boy,

“Your loving brother,

“G. H. LAMSON.”

On December 3rd, the lad was carried down in

the usual way to the basement. He appeared to be in his ordinary health.

His mother had died in 1868. All the children had been wards in Chancery, and, previous to 1881, one of his brothers and one of his sisters had died under age. Another sister had married the prisoner, a medical practitioner of Bournemouth. By the will, the children, when they came of age, or married, were each entitled to an eighth portion of a certain property. The share of those who died under age passed to the survivors. At the time of his death, Percy John had property in expectation to the value of about £3,000. In the event of his death as a minor, it would be divided among his two married sisters. Mrs. Lamson, at the time of her marriage, had made a settlement to her husband; therefore, her share would come into his hands. Herbert John, one of Percy's brothers, had died in 1879, and the prisoner had received, as his share of the deceased child's property, £479 in India Stock, and £269 in Consols.

Percy, though a sufferer from paralysis, exhibited no symptoms of serious bodily illness. He was a boy of remarkably good temper, and of very fair intelligence.

It appears that the prisoner's career had been somewhat of a chequered one. He had struggled with great pecuniary difficulties, and, in spite of the money he received by Herbert John's death, an execution had

been put into his house. At the time of the murder, he was admittedly in straitened circumstances.

Lamson had appeared to exhibit the greatest solicitude for the welfare of the deceased, and had seemed to take a professional interest in his case. On the 3rd of December, Lamson visited the school at Wimbledon, at about seven o'clock in the evening. He produced a parcel, and explained to the schoolmaster that he had brought his young relative some sweets and a cake. He also stated that he had some gelatine capsules which he had brought from America. Remarking to Mr. Bedbrook that they would enable him to administer nauseous medicines to his pupils, he prevailed upon that gentleman to take one himself, just to see how easily they could be swallowed. Cutting the Dundee cake with his penknife, Lamson gave a piece of it, together with some of the sweets, to the schoolmaster, and, during the whole of the interview, he munched the cake himself. Percy John also had some sweets and some of the cake. While Lamson was descanting upon the virtues of the capsules, and the schoolmaster was examining them, the former filled one with sugar from the basin in front of him, and handed it to his young brother-in-law, with these words:

“Here, Percy, you're a swell pill-taker; take this, and show Mr. Bedbrook how easily it may be swallowed.”

The boy placed the capsule in his mouth, and swallowed it with one gulp. The prisoner observed:

“That’s soon gone, my boy;” and then he added :  
“I must be going now.”

Just before leaving the school, he said he intended to catch the tidal train for Paris.

About twenty minutes afterwards, Percy complained of heartburn, and was carried up to bed. In a little while he became worse, and vomited violently. He told Mr. Bedbrook that he felt as he had done in the previous August, when the prisoner had given him a pill. It was clear that he was suffering great pain, and those who attended him had the utmost difficulty in keeping him down in bed. Every remedy that was tried seemed of no avail, until the doctors injected morphia under the skin, which seemed to give him temporary relief. The operation was repeated several times, but, in spite of this, and the other remedies employed, the poor lad died within four hours of swallowing the capsule.

At the bottom of one of Percy John’s boxes a pill-box was discovered. It contained certain pills, and on the label was written : “George Henry Lamson, M.D., care of Messrs. Gilling and Co., 499, Strand.” Upon analysis, those pills were found to contain aconitine.

A *post-mortem* examination was conducted by Dr. Little and Mr. Bond, who could not, however, discover anything sufficient to cause death, the only traceable disease being the long-standing curvature of the spine, in itself innocuous. A chemical analysis of the stomach



and other parts of the body was then conducted by Dr. Stevenson and Dr. Dupré, who came to the certain conclusion that death was due to an irritant vegetable poison. They declared that this was aconitine, a deadly poisonous vegetable alkaloid, containing the active principles of aconite, distilled from the root of monk's-hood.

Suspicious fell on the prisoner, and they were greatly strengthened when it was discovered that, on the 28th August, 1881, he had purchased, of a chemist at Ventnor, named Albert Smith, three grains of sulphate of atropine, and two grains of aconitine. The chemist stated that, knowing Lamson to be a medical man, he had sold him the poison without making any inquiries, contenting himself with labelling the bottle "Aconitia." In addition to this, it was discovered that, on the 24th of November, 1881, the prisoner asked for two grains of aconitine at Messrs. Allen and Hanburys', of Plough Court, Lombard Street, and that the assistant, having referred to the Medical Directory, and found that Lamson was duly qualified, had supplied him at once with the poison he desired. Evidence was also forthcoming that, on the 20th of November, Lamson had attempted to purchase some aconitine at Messrs. Bell and Company's, of Oxford Street.

The principal interest of the trial centred in the possibility of detecting, by chemical tests, the presence of vegetable poisons in the human body after death.

In this connection, the evidence of Dr. Stevenson and Dr. Dupré was of a most scientific character. They stated that they had conducted experiments with extracts from the boy's body, having injected drops of those extracts under the skin of mice, which had died of the operation. The little creatures had, the doctors said, exhibited the same symptoms before death as would follow from injections of pure aconitine.

It appeared that the prisoner, having heard that suspicions were aroused against him, went, on the 8th of December, of his own accord, to Scotland Yard, where he saw a police inspector, named Butcher. That officer gave evidence as to what transpired at the interview. He said :

“ When the prisoner came there and saw me, he said : ‘ Mr. Butcher ? ’ I replied : ‘ Yes. ’ He then said : ‘ I am Dr. Lamson, whose name has been mentioned in connection with the death at Wimbledon. ’ After I had asked him to be seated, he continued : ‘ I have called to see what is to be done about it. I considered it best to do so. I read the account in the public papers in Paris, and came over this morning. I have only just now arrived in London. I am very unwell and upset about this matter, and am not in a fit state at all to have undertaken the journey. ’ I then communicated with Superintendent Williamson, who said to the prisoner : ‘ You will have to remain for a time. ’ I remained with him, and his wife was also present. He conversed on various subjects for some time, and

then he said : ‘ Why is the delay ? I thought I would come here and leave my address. I am going into the country—to Chichester—so you will know where to find me ; and I will attend the inquest. I have travelled from Paris *viâ* Havre and Southampton. I went over *viâ* Dover and Calais.’ After this I again saw Chief Inspector Williamson, who called the prisoner into another room, and said : ‘ Dr. Lamson, this case has been fully considered, and it has been decided to charge you with causing the death. I therefore take you into custody, and charge you with causing the death of Percy Malcolm John, at Blenheim House, Wimbledon, on the 3rd of December.’ The prisoner said : ‘ Very well. Do you think they would accept bail ? I hope the matter will be kept as quiet as possible, for the sake of my relations.’ I told him he would now be taken to the Wandsworth Police Court, and that the question of bail would rest with the magistrate. I then conveyed him in a cab to the Wandsworth Police Station. On the way, he said : ‘ You will have my father here in a day or two. I hope it will be stated that I came to Scotland Yard of my own free will. I came from Paris on purpose.’ I said : ‘ Certainly.’ In a box of the prisoner’s, which was found at Euston Station, certain pages were discovered, on which was written a description of the effects of acrid vegetable poisons.”

This was one of the most difficult cases that I ever had to deal with, because it required so much medical

knowledge. For days before the trial—or rather, for nights; my days being fully occupied—I spent hours in study, being assisted in my task by Professor Tidy, the celebrated analyst.

My speech for the defence lasted for the greater part of two days. I had to deal with the analytical and medical evidence with extreme minuteness. I laid great stress on the admitted inability of the scientific witnesses to rely on any other tests than those applied to the mice; declared that their action was a leap in the dark; and pointed out that they had to traverse a region of science which had hitherto been unexplored. What, I asked, was the evidence of any knowledge having been obtained as to aconitine? Who could speak of its properties and character?—and Echo answered “Who?” What was it?—the root of monk’s-hood. Up to the present time, with the exception of one reported case, there was no authority on the subject. After exhausting the evidence of Dr. Berry, who attended the boy when first he was taken ill, and of Dr. Little and Mr. Bond, who conducted the *post-mortem* examination, I passed to the testimony of Drs. Stevenson and Dupré, whose testimony, the former said, rested upon the tests of the effects of the solution on mice. I pointed out that Dr. Stevenson had admitted that most of those results were consistent with causes other than poisoning by aconitine. I endeavoured to ridicule the tests upon mice, and quoted the remarks of Lord Coleridge, who

had said that tests upon animals were always most unreliable, and of Dr. Tidy, who had written that, though useful in arriving at results, they sometimes failed, and were "not at all reliable." If, I said, the jury used their common sense, they must see that those observations were sound. So delicate was the constitution of a mouse, I pointed out, that one of those experimented upon had died because the injecting needle had been stuck into its body a quarter of an inch too far. Mice would sometimes die even from an injection of water; and therefore, could the mice experimented with be declared positively to have died from aconitine poisoning? Upon the question as to whether, if aconitine had been given, it had been given by the prisoner, I commented strongly on the fact of his poverty having been pressed against him, and called the attention of the jury to the facilities which Lamson would have had to take the boy's life, had he been so minded, during the summer. I drew attention to the fact that the supposed murder took place in the full light of day, in the presence of the schoolmaster, and that there was no evidence to show that the prisoner had brought the capsule with him ready charged. He must evidently, I said, have manipulated it in the schoolmaster's presence, and I pointed out that it was not at Lamson's request that the powdered white sugar was brought into the room. As to the pills, where did they come from? No pills were given to the boy by the prisoner, for



Mr. Bedbrook was present throughout the whole of the interview, and saw none exchange hands. Where was the boy all the afternoon? He had been downstairs, in the room where the pills were found. It was well known that, in contravention of the rules of the establishment, Percy John kept, and took, medicine privately; and what, I asked, was more likely than that he should have taken the pills for heartburn, from which he was suffering? At the conclusion of my speech (which is printed at the end of this volume), the Solicitor-General replied, and the Judge summed up. The jury then returned a verdict of "Guilty."

Upon the sentence being pronounced, the prisoner, who was standing in the dock with his arms folded, in a loud voice protested his innocence before God.

I was very much impressed during this trial by the conduct of the prisoner's wife. She remained entirely staunch and faithful to him until the end. She had sacrificed everything in the way of money to obtain the means to defend him. Day by day a thin little figure sat half concealed behind the jury-box, and, as the public were leaving the Court every evening, at the end of the day's proceedings, this little figure would steal almost unobserved from its hiding-place, and, standing close underneath the dock, would take the prisoner's hand and kiss it most affectionately. This shows how true a woman can be, for I have but little doubt now, from many circumstances that came to my knowledge after the trial, that she full well knew her husband to be

guilty. Nay, it is probable that she knew more than was proved before the legal tribunal. There can be little doubt that her other brother, Herbert, by whose death Lamson came into a considerable sum of money, was also murdered by him. I am under the impression, indeed, that, before his execution, the convict made a full confession of both crimes.

## CHAPTER XXI.

### MIRABILE DICTU.

A remarkable matrimonial case—Lord Euston's marriage with Kate Walsh Smith—The settlement—Froggatt, the solicitor, convicted of larceny—His lordship leaves the country—Doubts and inquiries—The man who went down in the *London*—Matters take a fresh turn—Remarkable coincidences—The result of the proceedings.

THAT truth is stranger than fiction was never better exemplified than in an important divorce case in which I figured as one of the counsel. The Honourable Henry James Fitzroy, commonly called the Earl of Euston, petitioned, and Kate Walsh Smith, otherwise Fitzroy, and Countess of Euston, responded. Mr. Charles Russell, Q.C., Mr. Murphy, Q.C., and Mr. Lehman were counsel for the petitioner, while Mr. Inderwick, Q.C., and I represented the respondent.

Even in the annals of that remarkable tribunal, the Divorce Court, I do not think a more extraordinary story was ever unravelled than this case brought to light.

The petitioner was the eldest son of the Duke of Grafton, and he sued Kate Walsh Smith to have a

decree of nullity of marriage pronounced on the ground that, at the time he went through the ceremony of marriage with her, she was a married woman whose husband was then living. In the year 1870, the petitioner, then the Honourable Henry Fitzroy, met the respondent, who was known by the name of Kate Cook. She was alleged to be a woman of gay habits, who had taken her name from a person connected with the circus, with whom she had lived for a number of years. After the petitioner had met her, he lived with her for some time, and, eventually, on the 29th of May, 1871, they went through the ceremony of marriage. The respondent gave her name as "Kate Walsh," and stated that she was a widow. In the certificate of the Registrar of Marriages she was described in that way. The friends of the petitioner learnt of his connection with this woman some time before the ceremony was gone through, and they were very anxious to prevent it. The marriage took place in a parish church at Worcester, and, at that time, Lord Euston, who was entitled in his own right to £10,000, settled the amount upon the respondent. Unfortunately for her, she was introduced by some friends of his to a solicitor named Froggatt.

The reader will remember that the solicitor in question was one of the defendants in the second Turf Fraud case, and that he was convicted.

Froggatt officiated as one of the trustees under the settlement. He subsequently made away with the money, and was tried for the larceny at the Old Bailey,

I being the prosecuting counsel. He was convicted, and sentenced to penal servitude.

In the certificate of marriage, the petitioner was described as of full age. In point of fact, he was, at the time, between twenty-one and twenty-two. The respondent was twenty-eight years of age. After the marriage, the parties lived together for a period of about four years, there being no issue of the union. In 1875, they separated, and from that year, down to the time of the trial in the Divorce Court, no communication of any sort passed between them.

The petitioner, who had, of course lost caste with his friends, was advised to go abroad. He went to Australia, where he obtained Government employment. He discharged his duties in every way creditably to himself, and ultimately came back to this country. After his return, circumstances suggested a doubt as to whether the respondent's description of herself, at the time of the marriage, as a widow, was a true one. Inquiries were instituted, and they satisfied the petitioner and his friends that, when the ceremony was gone through, the respondent had a husband living. On the 6th of July, 1863, she had married a man of the name of George Manly Smith. The certificate of that marriage was discovered, and on it the name was given as "George M. Smith." The ceremony took place at St. Mongo's Catholic Chapel, Glasgow, and the parties were described as follows: George M. Smith, 127, Argyll Street, Glasgow, a bachelor, and a com-



mercial traveller; Kate Walsh, spinster, of Cathedral Street, Glasgow. There was no question about the marriage. There could be no doubt that it took place at the date, and under the circumstances, mentioned. The friends of the petitioner had now to devote their energies to discovering the whereabouts of George Manly Smith.

It appeared that, at one period of her career, the respondent had been sued for the recovery of a sum of money in the County Court, under circumstances that made it material for her to explain her position, and what her status was. On that occasion, it was discovered, she swore that her husband, Mr. George Manly Smith, had sailed from this country in the *London*, the sad history of which vessel is known to everybody. She foundered at sea, and all lives were lost.

The advisers of the petitioner had now to find out whether this statement was correct. On scrutinising a list of those who had gone out in the *London*, they found, sure enough, the name, "G. M. Smith." Fortunately, they pursued their investigations further. It transpired that the name of the passenger who was drowned was George Maslin Smith, and that his widow, who had administered to his estate after his death, was still alive. She was, indeed, afterwards called as a witness at the trial.

Thus far, then, the investigations had yielded a satisfactory result. The respondent, when interrogated

in the County Court, was wrong when she asserted that her husband had been drowned in the *London*. Further search now brought to light the fact that George Manly Smith was living in New Zealand.

He was brought over to this country, and was called as a witness in the Divorce Court when the case came on. The respondent, who was seated next to the solicitor who instructed us, Mr. Dutton, was pointed out to the witness, and he at once identified her as the woman he had married at Glasgow.

Matters now took a fresh turn. We who appeared on behalf of the respondent alleged that, when George Manly Smith went through the ceremony of marriage with Kate Walsh, he had a wife actually alive. By a curious coincidence, her maiden name was Mary Ann Smith. Her brother was called, and he proved that she died of cancer on the 9th of June, 1867, having therefore lived for four years after George Manly Smith went through the ceremony of marriage with Kate Walsh. In point of fact, therefore, the respondent was not legally married until she married the Earl of Euston. His suit was accordingly dismissed, and the marriage now stands.

## CHAPTER XXII.

### QUID RIDES?

Country justices' justice—Some excellent Chairmen of Quarter Sessions—The offence of laughing in church—My interposition—Story of a magistrate and a poultry-stealer—Eccentric jurymen—One who disliked the nobility—A conversation I overheard in a railway carriage—Ballantine's collapse—A strange delusion of his.

A GREAT deal has been said and written about country magistrates, and justices' justice. I had very great experience during the latter part of my professional career with country Benches, both at their Petty and their Quarter Sessions, and I am bound to say that, as a rule, very little fault could be found with the manner in which they did their work. Indeed, some of the Chairmen of Quarter Sessions discharged their local and county duties in an admirable manner, and, in many cases, tried prisoners almost, if not quite, as well as ordinary Judges.

Going "special" so frequently to prosecute and defend prisoners, I had every opportunity of judging, and I may mention, as instances of excellent country justices, the present Marquis of Salisbury (for many

years Chairman for the county of Hertford), Lord Brabourne (who, both when he was Mr. Knatchbull-Hugessen and since his elevation to the peerage, was Chairman of the Canterbury division of Kent), Admiral Duncombe, and Mr. Overend, Q.C., who presided in two of the Yorkshire divisions.

Of course there were exceptions to the rule, and I have known most eccentric things done by country justices.

I think my experience has been that a parson makes the very worst possible magistrate. Somehow or other, his views are not as broad as they might be, and, oddly enough, he seldom seems to err upon the side of mercy.

A funny thing occurred in my presence when I was before a Suffolk bench of magistrates, sitting in petty sessions, at Newmarket. I went down for a small trainer, named Josiah Johnson, who lived at racing head-quarters. He was prosecuting some men for forcible entry into his premises. It appeared that he was in possession of certain race-horses, and that a man who had, or imagined he had, some claim to the same, instead of having recourse to the machinery of the law, had hired a band of navvies, and, with their assistance, had broken into the stables, and removed the animals by main force.

While I was waiting for my case to come on, an event occurred that certainly caused me some astonishment. A well-dressed individual of the farmer type was brought up before their worships on the extra-

ordinary charge of laughing in church. I confess I listened with considerable amusement to the manner in which the case was dealt with. The accused had, it appeared, gone into a country church in the neighbourhood of Newmarket, and, there being no seat for him, had stood during the service, leaning against one of the columns. While in this situation he had caught the eye of a pretty rustic lass among the congregation, and a signalling communication had been established between them. Finally they were actually discovered committing the grave offence of laughing. It seems that one of the officers of the church, observing this, walked the man out of the building, and gave him into the custody of the local constable, who took him to the lock-up. The evidence of the church official and the constable having been taken, the chairman of the Bench, an old gentleman of about seventy or eighty, consulted with his brother magistrates, and then, after reading the accused a short lecture, actually sentenced him to four days' imprisonment with hard labour!

Well, this was a little more than I could stand. I was seated at the advocates' table, and opposite to me was the clerk of the justices. In an undertone, I observed to him:

"You can't do this. What on earth offence has the man committed? He isn't charged with brawling, nor, if he were, would there be any case against him. For goodness' sake, don't let them do this."

After a further whispered conference, the clerk



got up, and communicated what I had said to the chairman. That worthy did not seem as though he proposed to pay any attention to my interference. However, on entering the Court, I had observed, and had exchanged nods of recognition with, my old friend Monty Tharp, who was sitting, with a very solemn face, as one of the justices. Now, I had known Monty from his earliest boyhood, and, of course, with all his other friends, was perfectly aware of his strong religious proclivities; but I confess I was not prepared for this. Hurrying round the table, I jumped up on the seat below the bench, so as to be able to communicate with him quietly; and I then gave him to understand that, if such a piece of gross injustice as was proposed were insisted upon, I should make it my business, immediately upon my return to town, to personally represent the matter to the Home Secretary.

The Bench retired to consider what they should do, and, on their return, the chairman, addressing the prisoner, said that they had reconsidered the matter, and, having regard to the fact that he was a stranger in the neighbourhood, and was about to quit it—it was to be hoped, never to return—they had decided upon taking a more merciful view of his offence, and upon discharging him. Of course, it would never do for a local magnate to confess he was in the wrong.

A story—the truth of which I am not able per-

sonally to vouch for—is related of the chairman of a Bench of county magistrates somewhere in the North. The gentleman in question, who was a large landed proprietor, had among his labourers a very useful man, who was somewhat of a favourite of his. This person had taken a fancy to some of his neighbour's fowls, was arrested, and was brought before the local Bench. They sent him to take his trial at the Quarter Sessions over which his master presided. Upon the case being called on, the prisoner, in answer to the charge, pleaded "Guilty." The chairman, nevertheless, went on trying the case, and had the prisoner given in charge of the jury, just as though the plea had involved a denial of the accusation. Knowing that the chairman was very deaf, a counsel present jumped up, and, as *amicus curiæ*, ventured to interpose, and to remind his worship that the prisoner had confessed his guilt. Upon this, the presiding genius flew into a tremendous passion, begged that the learned counsel would not interrupt him, and exclaimed:

"Pleaded guilty! I know he did; but you don't know him as well as I do. He's one of the biggest liars in the neighbourhood, and I wouldn't believe him on his oath."

The trial proceeded, and I do not think it is necessary for me to mention the result.

I am bound to say that I have occasionally known a juryman act almost in as eccentric a manner as the local justices to whom I have been alluding.

Once, at the Old Bailey, a tradesman, apparently of the highest possible respectability, was placed upon his trial upon a charge of fraud. I forget now who prosecuted him, but I was counsel for the defence. He had been in very large business as a florist, nurseryman, and fruit-grower, in the neighbourhood once famous for the Cremorne Gardens; and, yielding to the general feeling in favour of joint-stock enterprises, he had turned his business into a company, and secured one or two of the nobility as directors.

The company was eventually wound up; and the charge against the prisoner was that, when he knew perfectly well that matters were coming to a crisis, he had represented to a lady, desirous of investing a small capital to advantage, that the concern was in a most flourishing condition and likely to pay a good dividend. It was alleged that, in consequence of those false representations, a number of shares which he had received as part payment for the good-will of the business had been taken over by the lady.

Lord Suffield was one of the directors. He appeared in Court, being accommodated, as they say in the newspapers, with a seat upon the bench. He had come prepared to be called as a witness by me, if necessary, to depose that, to the best of his belief, at the time the defendant made the representations, they were justified by the condition of the company.

On reading my brief I was convinced of the *bona fides* of my client. I was, and always shall be, of

opinion that he had intended no fraud. It is natural, therefore, that I looked upon the case as what is termed familiarly among us a "galloping acquittal."

It so happened that I had been principally engaged during the week in the Court in which this case was tried. This was the last day of the sittings, and I had therefore been addressing the same jury two or three times on each of the preceding five days. As was so often the case, having been in the company of this particular set of men from ten in the morning to five or six in the evening, I was on excellent terms with them—that is, of course, from a distance. I had, indeed, been more fortunate than usual in my verdicts with this jury.

At the end of the case for the prosecution, I looked, with a shrug of the shoulders, towards my twelve friends, as much as to ask the question in dumb show, would they like me to address them? To my astonishment, they all, and more particularly the foreman, met me with severe looks. I therefore proceeded to address them, and, having argued upon the merits of the case, stated that, if they were not satisfied with the observations I had made, Lord Suffield and another director would enter the box, to give their opinion of the defendant's character, and of the position of the company at the time the alleged false representations were made. I looked at the jury again, expecting to get some expression of opinion; but once more was I grievously disappointed. I called my witnesses, and



among them, his lordship, who bore out precisely the contentions I had urged on behalf of my client. The Judge summed up, and the jury turned round in their box to consider their verdict. They consulted together for some considerable time, and I confess that I soon began to lose my temper. What on earth could it mean? In a little while the foreman turned round and said, "My lord, we can't agree—we should like to retire and talk it over;" and retire they accordingly did. Hours passed by, and when at length the ordinary time arrived for the rising of the Court, the jury were sent for. They stated that there was not the smallest prospect of their coming to a unanimous conclusion, and they were accordingly discharged.

As I was picking up my papers with, I am afraid, a somewhat fiendish expression upon my face, the foreman of the jury, accompanied by one or two of his fellows, approached me on the way to the corridor. Pausing for a moment, he said:

"Very sorry, Mr. Montagu, couldn't vote for you in the last case. We always like to give you a verdict when we can; but we really couldn't do it this time."

"What on earth do you mean?" I said. "I never heard of such stupidity in the whole course of my life. The man is as much guilty as you are."

"Ah," was the reply, "he's your client, of course, and we know you're very staunch. But not a bit of it—I hate them d——d lords. What business, sir,



has a lord turning shopkeeper? What right have they to become tradesmen? Let 'em be lords, or let 'em be tradesmen. I don't like 'em as lords, but when they combine the two, you may depend upon it there's fraud somewhere, and they don't have no vote of mine;" whereupon, looking at me with a knowing wink, he passed from the Court into the corridor.

The case was adjourned until the following sessions, the Judge allowing the defendant out upon his own recognisance. When the trial came on again in the following month, the Judge stopped it almost at its inception, telling the jury that the matter had been before him at the previous sessions, that, for some reason which he could not fathom, the jury were unable to agree, but that he was bound to say, after having heard the evidence, that he did not think it in any way safe that the defendant should be convicted for fraud. A verdict of acquittal was accordingly taken.

One day, I was travelling on the Underground Railway to Farringdon Street, having to attend two or three cases at the Middlesex Sessions. Several persons were in the compartment with me, and, as I perused the daily paper before me, I could not help following a portion of their conversation. As the train was drawing up to the platform, one of them said :

"Are you getting out here? Why, what are you doing in this part of the world?"

"Oh," replied the person addressed, "I'm on that infernal jury at the Middlesex Sessions. I've been

there the whole week. But I've had my revenge—I've not let a single chap off yet."

Needless to say, I was somewhat amused. Walking from the station to the Sessions House, I robed, and proceeded into Court. It so happened that I was in the opening case, having to defend a man who was charged with felony.

My first business was to look towards the jury-box, and there, sure enough, in the front row, I spied my fellow-passenger of a few minutes before. Of course, when he took the book in his hand to be sworn, I promptly challenged him. He left the box, and I took care to keep my eye on him till the end of the session.

One of the most melancholy things that ever happened to my professional friends was the sudden collapse of poor Ballantine. He went out to India to defend the Guicowar of Baroda, having a fee, I think, of ten thousand guineas. Upon his return, he speculated with that large sum of money upon the Stock Exchange, and lost the greater part of it. From that time he seemed to attend to business less and less, and gradually became an altered man. In 1882, a year after his return from India, he wrote his book of reminiscences. He then resolved to quit the Bar for a period, and go to America for the purpose of giving readings from his book.

He was received everywhere by our American cousins with lavish hospitality and every incentive to success;

but somehow or other, his brain was no longer as strong as it had been, and his tour was not very successful. One of the literary lights of New York afterwards described his entertainments to me as the "Reminiscences of a Serjeant Who had Lost His Memory."

Ballantine returned to this country, broken down in health and pocket. But he had excellent friends, and the remainder of his life was passed in comfort. He always used to come to me in all his troubles, and I really felt for him very much. Upon one occasion, while describing to me a serious fit of illness that he had had, he declared, in his extraordinary way, that he had died and come to life again. I asked him to explain his meaning, and, in that careless manner of talking he had, he said:

"My dear Montagu, I am certain that I died. I was lying exhausted in bed, and I felt the strangest sort of sensation come over me. My senses were going, and I said to the woman who was attending me: 'Please go out of the room, and don't let any one come in.' You know, my dear fellow, there were very many things in my life which I might talk about in my delirium, but which I should not care to have repeated. She left the room, and as soon as she had done so, I was seized with the strangest sort of fantasy of the brain. As I sank back on my pillow, the breath seemed to leave my body, and the last words I uttered were: 'I wonder who I shall be introduced to next.'"

Poor fellow ! I saw him almost at the last. He died at Margate, in the month of January, 1887. A few days before his death, he sent for me. When I arrived at his bedside, he, feeling his end to be rapidly approaching, expressed a wish to see his son Walter. Unfortunately they had not been on good terms for some time. I am bound to say, knowing intimately all the facts of the case—having acted in their differences as a mediator—that the fault lay almost entirely with the poor Serjeant. He could not control his tongue, and the things he had said of his son were very disgraceful.

I telegraphed to Walter, who was recovering from the scarlet fever at Monte Carlo. Ill as he was, he at once came over to this country, and, having seen me in London, hurried down to Margate. He was reconciled to his father, and remained with him to the end.

## CHAPTER XXIII.

EXCUDENT ALII SPIRANTIA MOLLIUS ÆRA.

Belt against Lawes—The alleged libel in *Vanity Fair*—Busts in Court—An adjoining room used as a studio—A piece of bad generalship—Apparent changes of front—The three conspirators, the secret chamber, and the “ghost”—Evidence of Sir Frederick Leighton, Mr. Thornycroft, and Mr. Millais—Verdict—Invoking the aid of the Bankruptcy Court—Richard and Walter Belt charged with fraud—Paying £8,000 for trashy jewels—The sentence on Richard Belt.

ONE of the longest trials of my time was the action of Belt against Lawes, the hearing of which occupied forty-three days. This was the very last case that was tried in Westminster Hall. The Judge was Mr. Baron Huddleston.

Sir Hardinge-Giffard, Q.C., Mr. Pollard, myself, and Mr. Cavendish-Bentinck were counsel for the plaintiff; while Mr. Charles Russell, Q.C., Mr. Webster, Q.C., and Mr. Lewis Coward represented the defendant. Mr. Houghton watched the case on behalf of a person interested, named Verhyden.

The libel that was the cause of action appeared in *Vanity Fair*, and ran as follows :



“After leaving Mr. Lawes’ studio, in 1875, Mr. Belt began to do business on his own account. He published as his own work the statue of Dean Stanley, of which a good deal has been lately heard. This statue, however, was worked for him by Mr. Brock, as Mr. Brock himself declares. In like manner, the memorial busts of Charles Kingsley and of Canon Conway, which also appeared as the work of Mr. Belt, were, in fact, invested by Mr. Brock, as Mr. Brock himself declares, with whatever artistic merit they possess. Mr. Brock, equally with Mr. Lawes, declares that Mr. Belt was himself incapable of doing anything in the shape of artistic work. Mr. Verhyden, Mr. Brock, and Mr. Lawes state that Mr. Belt was quite incapable of doing any artistic work whatever. The point is that, if our information is correct, he has systematically and falsely claimed to be the author of the works of which he was only the broker; that he presents himself as the sculptor and the artist, when in reality he is but a statue-jobber and a tradesman. If, then, the statements made to us are true—and we frankly avow that, at present, we fully believe them to be perfectly true—Mr. Belt has been guilty of very scandalous imposture, and those who have admired and patronised him as a heaven-born genius are the victims of a monstrous deception.”

Another libel complained of was contained in a letter written by the defendant to the Lord Mayor in the following September. In reference to the

competition for a memorial advertised for by the Corporation, his lordship's attention was drawn to the statements in *Vanity Fair* quoted above, which statements, the writer of the letter declared, remained uncontradicted. He added that no denial of the allegations could possibly be substantiated.

Of course, it will only be possible here to allude to a few points in this most protracted trial. I may mention that the case created the greatest excitement in society. A number of persons ranged themselves on the side of Mr. Belt, while others took up the cudgels for Mr. Lawes. An enormous sum of money was subscribed by people in the Art world to support the former, who was, comparatively speaking, a poor man. On the other hand, nearly all the Royal Academicians—certainly all the principal ones—proclaimed themselves hostile to him. Feeling ran so high that old friends quarrelled about the respective merits of the litigants, and as to the probable result of the proceedings.

Some amusing incidents took place during the trial. A number of busts, alleged to be the work of Mr. Belt, were produced in Court, being ranged along a temporary platform erected in the solicitors' well.

I think it was on the fourth day of the trial that the Judge, in the presence of the leading counsel for the plaintiff (Sir Hardinge-Giffard), observed :

“It is my intention to have a stage erected in Court, and to let Mr. Belt do some of his work

while the trial is going on—I mean, execute some sort of bust of an independent individual.” His lordship added, “I will not suggest Mr. Russell or Sir Hardinge-Giffard;” upon which the plaintiff, who was in the box, said, “I should like to do your lordship.”

This proposal, however, was not acceded to. It was finally decided that a room should be set apart for Mr. Belt to work in, under such supervision as would render it impossible for him to receive any assistance, and that he should model a man named Pagliati. A bust of that gentleman, who had attended the studio of Mr. Belt, was in Court. It was a remarkable piece of work, and was positively sworn to have been executed by the plaintiff.

Mr. Belt worked away at the bust for several days, and, when finished, it was produced in Court, being placed beside the original bust of Pagliati. I think it went a long way to determine the result of the trial.

I cannot help thinking that, at one point of the proceedings, those conducting the defence were guilty of a piece of bad generalship. This was when Mr. Webster suggested that the plaintiff had forged one of the documents produced in evidence. The plaintiff was cross-examined on this point, and it was my good fortune—both my leaders being at that moment absent—to re-examine him. He indignantly denied the assertion, and the jury, evidently believing

him, seemed from that moment to take a very strong view in his favour. Odd things often control verdicts, and I can't help feeling that this incident went a long way towards winning our case.

As soon as Mr. Belt saw the statements in *Vanity Fair*, he repaired to the office of that journal and demanded an explanation. Having been informed that Mr. Lawes made himself responsible for the statements in the paragraph, he was challenged to submit his whole artistic career to a searching examination. Knowing that *Vanity Fair* had a large circulation, and that the libellous imputations had been sown broadcast, both in this country and abroad, he determined that he would make the whole matter public, and that he would take the opinion of a British jury as to the truth or falsity of the accusations brought against him. He had a great many admirers and patrons, many of them being persons of influence, and they supported him in what they considered a bold and proper course. He also received assistance from the purses of many merchant princes, and others in affluent circumstances.

In reading the evidence one is struck with the fact that the defence seemed more than once to change their front. In the first instance they asserted that Mr. Belt was a vulgar swindler, without a spark of artistic ability. Subsequently they admitted that he was capable of making superficial alterations in the busts, and of executing an exceedingly good likeness in clay. As a



matter of fact they had no alternative but to admit this. The jury had the new bust of Mr. Pagliati before their eyes. Belt had wrought it in an adjoining room, without assistance. Some of the jurymen had, before the sitting of the Court in the morning, and during the adjournment for luncheon, strolled into that room, and watched him at his task. The evidence of their eyes, therefore, was in opposition to the original theory of the defence, namely, that Mr. Belt was an utter impostor. It was a part of that theory that there had been three conspirators who had banded themselves together, in conjunction with the plaintiff, to defraud the public. These three were, Mr. Verhyden—the real genius, as it was contended—who was called as the principal witness for Mr. Lawes to prove the accusations; Mr. Curtis, who was a witness for Mr. Belt, and denied them; and Mr. Walter Belt, the plaintiff's only brother. It was alleged—and the allegation reminds one of what one sees in the pages of sensational novels—that the work was executed in a secret room or studio, to which no one but the conspirators themselves had access; that the busts were worked upon by Belt before visitors, after others had made considerable progress with them; and that he only put, here and there, a touch which anybody knowing the rudiments of sculpture could do, and which did not involve any real artistic talent. It was alleged that the statue of Lord Byron, now standing in Hyde Park, was executed in this mysterious chamber, and that Mr. Sholtz and Mr. Harrison, both of whom were



sculptors, had in reality built that statue up. Mr. Mellen, the caster, swore that, when he asked Mr. Harrison who was the real author of the colossal statue, that gentleman replied, "The ghost." Mr. Harrison, on being called, swore that the statement of the caster was a fable from beginning to end. It was urged for the defence that Mr. Belt was an exceedingly good business man, and that he had a great faculty for obtaining commissions in fashionable society. His side, on the other hand, contended that he was a man who, by excessive industry, constant application, and powers of long endurance, had raised himself from absolute obscurity—he was, indeed, a man of very humble origin and slender education—to a distinguished position in his profession, and that he thereby had aroused the enmity, rivalry, and jealousy of those who, with far greater educational advantages, but with not one-fortieth part of his talent, had remained comparatively unsuccessful.

From Sir Frederick Leighton, the President of the Royal Academy, downwards, nearly every artist of reputation was placed in the box, and gave most damning evidence against Belt. They picked out the works which, in their opinion, he was capable of executing, and specified others—of course those of the greatest merit—which they said were far beyond his powers. One after another, the flower of the Royal Academy, descending to detail, pointed out the various features of the different busts which, in their opinion,

supported their contentions, as well as the various features which demonstrated the impossibility of one hand having done all the work.

For years the air had been poisoned with rumours against the honesty of Mr. Belt. Apparently those rumours had originated in a quarrel between Mr. Belt and Mr. Verhyden. It was contended that, from the time of this disagreement, the latter had gone about systematically spreading the rumour that Mr. Belt was not the author of the Byron memorial and of other works, but that he himself was—in point of fact, that he was the “ghost.”

Large monetary payments were traced from Belt to Verhyden; and the weak point of the former's case was that he had, apparently, kept no accounts. His strength, of course, lay in the evidence of those witnesses—called to rebut the testimony of the Academicians—who swore that they saw Belt execute the works. Their evidence applied to nearly all the busts produced in Court, and therefore, if they were to be believed—and many of them were persons of the highest standing—they were in a position to prove that our client did actually perform the tasks to which the Academicians declared he was unequal. Perhaps the most notable of these witnesses were Mr. Morris, an artist who positively swore that he saw Belt execute the bust of Canon Conway, from start to finish; Mr. Alexander Yorke, who swore that he suggested certain important alterations in the bust

of his brother, Mr. Reginald Yorke, and that he saw the sculptor carry them out ; and Canon Wilkinson, who gave evidence of a similar character with regard to the bust of his wife.

Besides the President, two other very important members of the Academy were called, namely, Mr. Thornycroft and Mr. Millais. Certainly no better experts, and no more honourable gentlemen, could be found ; yet, if their evidence were correct, Belt was an arrant impostor. When the second bust of Pagliati was shown in Court, the three distinguished Academicians to whom I have just referred gave it as their undoubted opinion that, as compared with the terracotta bust of Pagliati originally produced, it had no artistic merit. This was the sworn evidence of these three gentlemen ; but a Mr. Mallenpré subsequently came forward as a witness, and swore that he saw Belt working on the original bust. This rebutting evidence of course entirely smashed the mere hypothetical evidence of experts, even of the position of Sir Frederick Leighton, Mr. Thornycroft, and Mr. Millais.

Mr. Verhyden made, I thought, a remarkably bad witness. It was apparent to the most ordinary observer that his testimony was prompted by the bitterest feelings towards the plaintiff. He produced a diary which he said he had kept with the object of some day exposing his former friend and master, and of bringing to the knowledge of the world the pseudo-sculptor's gross cheating and imposture.

There was an undisputed £300 paid to Verhyden. He, on the one hand, swore that the money was given to him for the execution of the Byron memorial; while Belt, on the other hand, positively asserted that the sum was paid by him to the witness for certain drawings, or cartoons, that were subsequently used for the erection of windows in a cathedral.

There really seemed at one time to be no prospect of this remarkable case being brought to a conclusion. But, at last, on the 28th of December—more than a year from the commencement of the trial—a decision was come to. On the date in question Mr. Baron Huddleston brought his summing-up to a conclusion. The Court and the approaches thereto were thronged; and among the distinguished persons present were the Baroness Burdett-Coutts—a great patroness of the plaintiff—Mr. Burdett-Coutts, Lady Abinger, Lady Diana Huddleston, Lady Wiltshire, and the Honourable Alexander Yorke.

The jury retired at twenty minutes to one, and, after an absence of four minutes, returned into Court. The Associate put the question :

“Gentlemen, have you agreed upon your verdict? For whom do you find?”

The answer of the foreman was :

“We find for the plaintiff—damages £5,000.”

Mr. Webster asked the Judge to stay execution, but his lordship peremptorily refused to do so. Sir Hardinge-Giffard then asked for a certificate for a

special jury, and his application was at once acceded to. On the same day Messrs. Lewis and Lewis, the defendant's solicitors, wrote the following letter to the daily papers :

"10 AND 11, ELY PLACE, HOLBORN.

"SIR,

"We desire to state that, at the earliest opportunity, the summing-up of the Judge in this action, and the verdict, will be challenged by an application for a new trial.

"Yours truly,

"LEWIS and LEWIS,

"Defendant's Solicitors."

Next term a rule was applied for, and obtained, for a new trial. When it came on, to be made absolute—the same counsel appearing upon either side—week upon week was consumed in reading the notes and in arguments. Eventually their lordships—the Lord Chief Justice of England presiding—decided against the defendant, refusing to set the verdict aside or to grant a new trial.

Elsewhere I have quoted the observation of Mr. Coleridge to the effect that it does not pay counsel to be in long cases. I certainly had a very forcible proof of the truth of this in the Belt case. The Judges having decided that there should be no new trial, Mr. George Lewis advised his client to take advantage of



the assistance of the Bankruptcy Court, and to pass through it. This was done, and Mr. Belt accordingly did not receive the £5,000 awarded to him. The worst of it was that this involved a considerable loss of money to all the counsel engaged for the plaintiff. Some of our fees were paid, but others we never saw.

During the case I had suggested to the solicitor who instructed us that the refreshers were mounting up, and ought to be forthcoming, whereupon I was assured that the money would be all right. I felt, with my brethren, that it would be impossible to leave the case before its termination; and the result was that I had to suffer a loss of about five hundred guineas, not to mention the fact that, during the progress of this most protracted law-suit, I was prevented from taking other business to any extent.

In the month of March, 1886, I was again Mr. Richard Belt's counsel, but under very different circumstances. At the Central Criminal Court, before Mr. Justice Stephen, he was charged, in conjunction with his brother, Mr. Walter Belt, with unlawfully conspiring to obtain, by false pretences, various sums of money from Sir William Neville Abdy. Sir Charles Russell, who, since the artistic trial, had been appointed Attorney-General, and Mr. Poland, were instructed by Mr. George Lewis—Mr. Belt's old adversary—to prosecute; while Mr. Edward Clarke, Q.C., and myself appeared for Richard Belt, and Mr. Kemp, Q.C., and Mr. Charles Mathews for Walter Belt.

At the trial at Westminster Hall of Belt and Lawes, one of the earliest witnesses on behalf of the plaintiff was a Madame Petritzka, who testified that she was a friend of the sculptor's; that she had been in the habit of passing a considerable portion of her time at his studio watching him work (she being, as she said, interested in art); that she had whiled away the time there with her needlework; and that she had seen him engaged on some of the busts that were produced in Court. She subsequently married Sir William Abdy, and I am under the impression that Belt had introduced him to her after, or at, the Westminster trial.

Sir William, in the box, stated that he had made Richard Belt's acquaintance in 1883, and that he had, quite in a friendly way, lent him a sum of £2,000, which was never paid back. Some time afterwards, he stated, Belt called upon him and said that he knew a lady who, being badly off, was anxious to raise money on some very beautiful jewellery that she possessed. Belt stated that she had left this jewellery with a Mr. Byfus, a solicitor, who had lent her a comparatively small sum of money upon it at an enormous rate of interest. The lady's name, Belt said, was Morphy, and he added that she had been the mistress of the Sultan, from whom she received the jewellery, which included Indian and Brazilian stones. The next day a man called at Sir William's house, bringing with him a tiara, a necklet, and several other articles of jewellery. These Sir William bought, paying for

them a sum considerably over £3,000. In the following February, Walter Belt brought a riviera to him at the Grosvenor Hotel, and he agreed to purchase it for £1,000. Richard Belt was present at the interview. Other jewellery, which was stated to belong to the lady, and which was said to be of great value, was afterwards shown to Sir William and purchased by him. Altogether he paid £8,000 for jewels. Sir William afterwards placed them in the charge of Messrs. Lewis and Lewis, who produced them in Court.

Evidence was brought forward to show that the story about Mrs. Morphy was a concoction from beginning to end. It was proved that the jewellery had been purchased from small tradesmen, and was, comparatively speaking, worthless.

The jury found Richard Belt guilty of obtaining money by false pretences, and he was sentenced to twelve months' imprisonment with hard labour. His brother, Mr. Walter Belt, was acquitted.

## CHAPTER XXIV.

ÆRUGO MERA.

A matter upon which my opinion was sought—Divided counsels—  
The undertaking I gave to the magistrate—I provoke the hatred  
of one of the parties concerned—A plot for my discomfiture—  
The farmer's visitors—They state their mind, and he grows  
indignant—My solicitors write a letter—The annoyance comes  
to an end—Mysterious disappearance of my dog Jack.

I WAS always of opinion that, however hard advocates might fight against one another in Court, everything was forgotten as soon as the case was over—that, in point of fact, the advocate was looked upon merely as the mouth-piece of those he represented, and that, if any feeling was engendered against him, either in witnesses whom he cross-examined or in parties whose conduct he had to comment upon, all was forgotten as soon as the verdict was returned. No doubt my view of the matter is a sound one; but there are exceptions to every rule. One of those exceptions arose out of a case in which I appeared a year or two before I retired from the Bar.

A solicitor and a firm of financial agents were alleged to have defrauded a young man of certain

property. I have always, I may remark in passing, looked upon financial agents, as upon general dealers, with the gravest suspicion.

The papers were originally laid before me, that I might give my opinion as to the steps which should be taken. I strongly advised a criminal prosecution for conspiracy, stating that I was quite sure a magistrate would grant process for the alleged offence against all the defendants. The matter was a serious one, a very large sum of money being at stake. My solicitor, before proceeding, stated that he should like to have another opinion. He intimated his desire to consult a leading Queen's Counsel—a man who was, at that time, engaged in all the *causes célèbres*. "By all means," I said; "he has not had much experience in criminal matters, but you can't do better than take his opinion."

In a few days the solicitor reappeared at my chambers, and stated that the learned counsel, believing that it was not a matter for a criminal investigation at all, had expressed himself in favour of filing a bill against the defendants in Chancery, for an account, etc. I still stuck to my guns, and a joint consultation took place. My leader, though not fully convinced, eventually consented to the course I had originally proposed. I duly obtained my summons against the defendants at one of the principal Police Courts.

The matter lasted before the magistrate for many weeks. I conducted the prosecution; the defendants



were represented by the present Home Secretary, and by various other leading members of the Bar. I should mention that, before granting the summons, the magistrate, who was a remarkably shrewd man of the world, had stated to me that, if he granted process, I must undertake that there should be no monetary settlement of the case. As I considered the matter a very serious one, and not one for compromise, I readily assented to this condition.

In the end, the defendants were all committed to take their trial at the Central Criminal Court. They, however, applied to the Court of Queen's Bench and had the indictment removed to that tribunal by *certiorari*. The Court of Queen's Bench, I may mention, is the highest Court of Criminal Judicature in the realm. The trial was thus put off for a considerable period.

In the interval, many offers of settlement were made. The matter had gone out of my hands as leader, because the eminent gentleman who had been called in to advise with me had been chosen as senior counsel. He had no objection to a settlement at all, and for the first time I think in my career, he and I had rather serious words together. However, the relatives of the young man—who had lost many thousands—were anxious that as much spoil should be got back as possible, and eventually an agreement was come to by which our client was to receive, I think, £10,000.

Having given my word to the magistrate that no settlement should be come to, I was, of course, very

angry and annoyed, and I positively refused to be in Court when the case came on. The settlement was arranged in the ordinary way.

For some reason or other, the principal member of this firm of financial agents conceived the greatest hatred towards me. Possibly he was incensed by my conduct of the case before the magistrate, or by my opposition to the settlement, or (and this is perhaps the most likely hypothesis) by the loss of so many thousand pounds. Be that as it may, he grew very savage. Being a foolish man, he went about giving expression to his vindictive feelings; and it was in consequence of this indiscretion that I became aware of his state of mind. The individual to whom I am alluding was quite a county magnate. He owned a property in one of the shires and was thought a good deal of, no one having taken the trouble to ascertain where the money came from with which the estate was purchased. He drove a four-in-hand, and entertained very largely at cricket matches and other social gatherings. It so happened that my good old friend, William Yardley, who so distinguished himself as a bat in the Cantab Eleven, was present when one of the matches took place. At lunch, as luck would have it, my name was mentioned, whereupon the host became furious and said :

“I hate the sight of that fellow. I’ll never rest until I do him an injury. He was once counsel against me and cost me many thousands of pounds, not to mention a very large sum as law costs. I understand

that he's got some shooting not far from here, that he is very keen about the sport, and that he is fond of having his friends down there. I've determined to spoil his fun, and I have a scheme laid which is certain to succeed."

Naturally, Yardley, as an old friend of mine and one who frequently visited me at Burnham, fired up with indignation at this statement, and left the place as soon as he could conveniently do so. He lost no time in letting me know what had transpired; but, regarding the threat as an idle one, I merely laughed, and let the matter pass.

Adjoining my shooting at Burnham was some land which I rented from a farmer, as it was absolutely necessary for the purposes of my sport. The farmer was a very pleasant fellow, and it was my custom every year, on the first day that I shot in September, to invite him over as my guest. In this particular year I commenced my shooting on the first of the month, when my neighbour and landlord was, as usual, one of the party. From the first moment I set eyes upon him, I saw that there was something on his mind. During the afternoon we walked over the stubble together, and this gave him his opportunity. He stated that, a few weeks before, a man had called upon him and expressed a wish to rent his ground, adding that money was no object at all. My friend the farmer had replied that the land was already let to me. The man, who it appeared looked like a land agent, took his answer and departed. A few days afterwards he returned, accom-

panied by another man, whom, from the description given me, I was not slow to recognise as the individual who had been Yardley's host and against whom I had appeared in Court. It seemed that he had offered the farmer any sum of money for the right of shooting upon this particular piece of ground, and, on being met with repeated refusals, had said :

"If I have your ground, I can ruin Mr. Montagu Williams' shooting. I owe him a grudge; I don't mind what it costs me to pay it. Money, I tell you, is not any object at all. Mr. Williams, I find, only holds your ground from year to year; so throw him over, name your own sum, and the matter is settled. This is my land agent."

My friend the farmer—a fine old specimen of the British yeoman—flew into a tremendous rage, and told his visitors that if they did not immediately leave his premises, he would call a couple of labourers and have them kicked off.

On my return to town, I instructed my solicitors to write a letter to the farmer's two visitors, conveying my knowledge of their action, informing them that there was such a crime as conspiracy to injure a man in his business or his rights, and stating that, if I heard one single word more upon the subject, I would prosecute them both.

From that time forward I was left in undisturbed enjoyment of my shooting; but I have good reason for believing that matters did not rest here.

At my cottage at Burnham I had a dog—a Bridlington — named Jack. A more faithful creature never lived, and during my sojourn in the country—for I kept him down there—he was my favourite and my friend. Upon entering the cottage one morning, at the latter end of the shooting season of the same year, I saw blank expressions upon the faces of the man and his wife who acted as my housekeepers. Jack was gone. I had no direct evidence as to what became of him, but I drew my own conclusions. The poor fellow never appeared again.



## CHAPTER XXV.

HÆC UBI PACTA FIDES UBI CONNUBIALIA JURA?

Birchington-on-Sea—A case of alleged fraud—The prisoner attempts to commit suicide—He is admitted to bail—My speech for the defence—Tokens of gratitude—The kindness of Mr. Justice Stephen—The Brighton Bigamy case—Marrying in haste—A question of identity—Captain or butcher?—Some strange coincidences—The new trial.

It was at the end of 1884 that I first felt an affection in my throat. At first, I treated this merely as a hoarseness, and consulted my ordinary medical man. As, however, I grew worse instead of better, I took the opinion of those who were recommended to me as the best specialists. At the end of the autumn of that year, my throat got somewhat worse, and I was advised to go down to the sea for a month or so, and have complete rest. I was told that, if I did this, in all probability the affection would cease to exist. I did as advised, and passed two very quiet months at Birchington-on-Sea, coming up to town only occasionally, and only for very important consultations. A quieter place than this small colony of bungalows

could not possibly be imagined. The *régime* prescribed for me was successful, and my voice became gradually better. When, indeed, I returned to the hard work of my business, the trouble seemed to have completely passed away.

All went well until the month of June, 1885, when I had a relapse, under circumstances that I will relate.

A poor fellow was charged with fraud, and of all the men that I ever defended, I do not think that I was ever more sorry for any one than I was for him. His name was Scott. The charge against him was that of unlawfully obtaining a cheque for £5,000, with intent to defraud.

Scott was a partner in the house of Beasley, Brown, and Co., of Tower Hill, merchants, and he was prosecuted by Messrs. Dyster, Lander, and Co., of 6, Crosby Square, hide-brokers. The facts of the alleged fraud were these. The principal partner in the firm of Dyster, Lander, and Co. advanced to Scott a sum of £3,800 on hides, shipped by the *Illawarra*. A few days after this transaction, Scott called again at the office of the firm, and said that another lot of hides were coming by the same vessel, and that he should want an advance on them. He said: "It will be about £5,000. I will give you particulars later on." In a few days he called again at the office, bringing with him a paper memorandum, on which was written: "Further lot per *Illawarra*. Want

£5,000." A cheque for that amount was handed to him, and, proceeding to the bank, he paid it in to the account of himself and partners.

Now, there is no doubt that this was a false statement. There was no second lot of hides to be received by the *Illawarra*; but of course, if the advance had been paid back before the vessel arrived, there would have been no further inquiry into the transaction. I am perfectly convinced that my client, when he made the representation, was of opinion that his firm would be able to liquidate their liabilities before the *Illawarra* arrived. He had, indeed, every reason to come to that conclusion. Not one single shilling of the £5,000 went into his own pocket. All the money was used for the purposes of the firm. It appeared from his statements—though, of course, I was not able to prove it—that what he had done had been done solely in the interests of his partners.

There were other pieces of evidence which, I am bound to admit, looked very black against my client, though I am none the less convinced that the poor fellow was entirely innocent of any intention to defraud.

When Scott heard that a warrant was issued for his arrest, he was down at his house at Halliford-on-Thames, with his wife and child. He had some rooms in Wimpole Street, which the family occupied when they came up to town. Always a very fond husband and father, this morning, before leaving, he seems to

have been more affectionate than usual. Arriving in London, he proceeded straight to the rooms in Wimpole Street, where he attempted to commit suicide by taking poison. Somehow or other he managed to survive the dose. Though near to death's door for several days, he eventually recovered sufficiently to be removed to the Guildhall, and brought up before the sitting alderman. Anything more terrible than the poor fellow's state, and anything more heartrending than the grief of his young wife, I never saw.

The alderman committed him to take his trial. I pleaded very hard for the prisoner to be allowed out on bail, offering sureties to any amount for his attendance at the sessions. His worship, however, refused to grant my application, on the grounds that the prisoner had already tried once to commit suicide, and might try again. However, from the decisions of magistrates, in cases of this description, there is an appeal to one of Her Majesty's Judges sitting in chambers, and to that tribunal I accordingly went. My Judge was Sir Henry Hawkins, who is the kindest man in the world where women, children, or animals are concerned. Stating the case with all the power that I possessed, I eventually prevailed upon his lordship to admit the man to bail.

The trial took place before the Recorder of London (Sir Thomas Chambers), on the 24th of June and the following day, and in the end the prisoner was acquitted.

It was during my speech—a long one—in this case that I felt my voice go, never actually to return. Poor Scott knew it. While I was lying ill at the private hospital, his wife never missed a morning to call there, make inquiries, and leave a bunch of violets or some other flowers, to show that I was not entirely forgotten—the world not totally ungrateful. It is only three weeks since the poor fellow called at my present residence, and wished me “good-bye.” He was sailing to the colonies, to endeavour to begin his life again.

I still continued, however, to pound away at my work, though my throat gradually got worse.

I happened to be specially retained in a case upon the Eastern Circuit, tried before Mr. Justice Stephen. It was a matter of great importance, and I was for the defence.

On the second day of the trial I experienced the greatest agony in my throat, and spoke so hoarsely, when addressing the jury, that I had to get quite close to them in order to make myself heard.

I shall never forget the kindness of the most excellent Judge who was presiding, and who, under a crust of stern severity, conceals the gentleness of a woman. While I was speaking, I noticed that he had gathered up his papers and was about to shift his position. In the tenderest possible way, he said :

“Go on, Mr. Williams. I don’t want you to come nearer to me, because then you will be further off from



the jury ; but I am coming down to you, as I don't wish to lose one single word you have to say. I see you are suffering pain."

His lordship then came down, and sat in the seat at the counsel's table usually occupied by the Clerk of Arraignment.

One of my last trials of any sensational importance was that of James Malcolm, who was charged with feloniously marrying Emma Dash, his wife Elizabeth being then alive. The case was known as the "Brighton Bigamy." It came before Mr. Justice Hawkins, and occupied five days. Messrs. Poland and Horace Ivory conducted the prosecution, while the prisoner was defended by myself and Mr. Warburton.

The facts brought to light showed how easily young women are wooed and won. This was one of the most extraordinary cases of modern times, and had principal reference to a question of identity.

It appeared that, in the previous Easter, Miss Emma Dash met the prisoner on the Parade at Brighton. He introduced himself as Captain McDonald, and said that he had met her at a ball in London. The young lady at the time was in the company of her mother. As they all three walked along together, the gentleman explained that, four years before, he had been engaged to a young lady, that her mother would not allow them to marry because she was so young, and that, when he returned from his last voyage, he found that she was married. He went on to say that, if ever

he got married, he should take his wife to sea with him.

The Captain called at their house that same afternoon, having received permission to do so. After some conversation, he prevailed upon the mother to allow her daughter to go out for a drive with him. They drove to Lewes, and put up at the "White Hart Hotel," where they had dinner. Soon after five o'clock they left, and drove back to Brighton. At the railway station they parted, the gentleman catching the 8.40 train to London.

All this happened on Sunday, the 29th of March. When they parted at the railway station, the Captain told the young lady that he would telegraph to her. Next day she received the following telegram :

"CAPTAIN McDONALD

*to*

MISS DASH, 10, Broad Street, Brighton.

"Regret to say it is impossible to get down to-day. Will arrive to-morrow by the 1.7. Hope you are well."

Next day she received this telegram :

"Will be at Brighton 12.34. Should you see same coachman on the way up, bring him to station. Will go long ride. Lovely day."

The young lady met him at the station. They drove to Worthing, and, having dined there, returned to Brighton. The prisoner left for London by the 8.40 train. Shortly before his departure he asked the mother whether she would give her consent to his marrying her daughter. She said that she had only known him for a very short time, but finally consented. He said that he would get the license on the following day. In the course of the conversation that took place that evening, he mentioned that his ship was the *Kaikoura*.

Next day the young lady received a telegram directing her to meet the prisoner at the station at five o'clock. She did so, and on his arrival, they went with the license to a clergyman. The prisoner said he wanted to be married on Good Friday, but the clergyman refused to perform the ceremony on that day. Eventually it was arranged that it should take place on the following Saturday. The prisoner came down to Brighton on the Thursday, when it was decided that the young lady and her relatives should meet him at St. James' Church at eight o'clock on Saturday morning.

The ceremony took place; among those present being the bride's mother, a Miss Lewis, and a Mr. May. After the breakfast, the couple started for Chichester. They remained there until Monday evening, when they returned to Brighton at about half-past eight. The prisoner then went away, for the purpose,

as he said, of going to his ship and making arrangements to receive his wife there.

From that time until the prisoner was taken into custody, nothing more was seen of him by his bride. The marriage, I may say, took place exactly a week after the parties first met on the Parade.

It appeared that a Mr. Osborne, who had been at the wedding breakfast, was present some months afterwards at a garden party at Fulham, given by the Butchers' Company. In the gathering he saw a gentleman dressed in Highland costume, whom he at once recognised as the recreant bridegroom. Mr. Osborne tapped him on the shoulder, and accused him of being the man who married and deserted Miss Dash at Brighton. The person addressed denied this statement, and said his name was Malcolm. On the 13th of July the young lady herself was confronted with the butcher—for he turned out to be a butcher, and no captain—and claimed him as her husband. The gentleman denied the soft impeachment, declared that he had never been to Brighton in his life, and asserted that he was married to somebody else. He stuck to this statement from start to finish.

The unfortunate bride, the clergyman, and all those who had been present at the ceremony, entered the box, and swore positively that Malcolm and McDonald were one and the same person. On the other hand, I called a host of witnesses who swore, equally positively, that Malcolm was in London at the time when, according to

the theory of the prosecution, he was making love and being married at Brighton.

The prisoner, who was a meat-salesman in Newgate Market, received a most excellent character, and was alleged by his master to be a stringent teetotaler. A very remarkable piece of evidence was brought forward by me. It was that of the manageress of the hotel at Brighton where my client was alleged to have put up. She stated, that on the night before Good Friday, a Captain McDonald was sleeping at her hostelry, but that the accused undoubtedly was not that person.

My client had a peculiar scar on his face—so, the witnesses all swore, had Captain McDonald. It was a remarkable circumstance that the name of the ship which Captain McDonald had stated he commanded, namely, the *Kaikoura*, was the identical name of a vessel which, a few days before, had brought over a cargo of meat from Australia to Malcolm's master. The signature on the marriage register was produced, and though the master butcher was evidently desirous of protecting his salesman, he was bound to admit that, in his opinion, the handwriting was that of Malcolm. The prisoner's wife could not, of course, in the present state of the law, be put into the box. She would naturally have been a most material witness.

The defence was in effect that there were two Dromios, so like one another that they could not be told apart. A remarkable coincidence occurred during the trial. While I was addressing the jury, and



dwelling upon the probability that there were two men concerned who closely resembled one another, an individual, either by accident or design, wandered into the Court and took up his place underneath the dock, when it was immediately perceived that he bore a striking resemblance to the prisoner. It was, of course, not for one moment suggested that he was the mysterious bridegroom.

After a very patient investigation, and a summing-up from the Judge which was certainly not favourable to my client, the jury found themselves unable to agree, and were discharged without giving a verdict.

This case was a very severe strain upon me, and when the man was tried again, in the following session, I declined to accept the brief. He was defended by Mr. Fillan, convicted, and sentenced to five years' penal servitude. It subsequently transpired that Miss Dash was not the only woman with whom he had committed bigamy.

## CHAPTER XXVI.

VALE !

My throat gets worse—I consult Dr. Felix Semon—The analysis—A sentence of death—Arrival of the doctors from Germany—An excellent institution—The first words I uttered—I retire from the Bar—A public acknowledgment—Farewell words.

I MANAGED to get through my work somehow or other up to March, 1886. I had been becoming gradually worse, and I suppose I was looking most fearfully ill. Nothing seemed to do me any good, and I had exhausted all the medical talent I could hear or think of. One day, as was my custom, I went into the Beefsteak Club to dine—or rather, to go through the formality of sitting down to dinner. Though I have several other clubs, I generally choose to spend my evenings in the Beefsteak, that pleasantest of all the coteries of London.

My old and esteemed friend, Arthur Chappell, sat next to me at table; and, in the kindest manner possible, he told me how distressed he was to see me looking so ill. He asked me whom I had consulted, and I gave him the names of the different medical men. Then he said :

“Why don’t you go and see little Felix Semon? If there’s any man can do your throat good, it is he.”

Well, Chappell wouldn’t let me leave the club until he had written down Dr. Semon’s address in Welbeck Street, and until I had promised to visit the physician the next morning. I did so, and upon his turning the electric lighting apparatus down my throat, he at once exclaimed :

“What! Haven’t they told you? You’ve a formation on the larynx. It is impossible for me, without extracting a portion, to tell you what the nature of that formation is. It may be innocuous; it may be malignant. When will you come again, for I shall have to paint your throat with cocaine in order to remove a portion?”

“Now!” was my answer.

He endeavoured to dissuade me, but I insisted. He accordingly removed a small portion, but he informed me that the quantity he had taken out was not sufficient for analysis, and that I must come to him again.

A day or two afterwards I, by appointment, once more visited the physician. He now succeeded in removing a sufficient quantity of the growth.

I had no idea that the matter was a serious one; neither had he. He told me he thought the formation was what is medically termed papillomata, a kind of wart that grew upon the interior of the throat. As it would take several days to have an analysis made of

that which he had extracted, he said I need not call upon him again until the following Tuesday—that day week. I took my leave, feeling perfectly reassured.

On the day appointed, I returned to the physician's. I was in excellent spirits, and fancied my throat was somewhat better. Shaking hands with him, I exclaimed :

“I can't stay long, so you must tell me what you have to say at once, for I have fixed one or two consultations at chambers.”

I had not observed him at all closely upon entering. Happening now to turn my eyes upon him, I found that he was as white as death. He said :

“You had better not go to the Temple to-day. I have a serious talk to have with you. Take off your coat and sit down.”

Of course I saw at once that something was the matter. After beating about the bush for a little while, he told me that the report of the analysis had arrived late on the previous evening ; then, softening matters as well as he could, he gave me to understand that the growth in my throat was malignant. I was sitting in a chair opposite to him, and, without moving, I said :

“That means death ?”

He replied, “Yes.”

“How long ?” I asked.

“Impossible to give a correct answer, but a few months,” was the reply.

“Good God !” I exclaimed, “there must be some alternative to this ?”

He said :

“Yes, there is—an operation. But statistics are very much against you. I have prepared them for you, and have given the names of two or three operators who have been successful.”

I perused the report, which he had taken the greatest possible trouble to draw up. Among the names, I came across that of Professor Hahn, of Berlin, who had been successful in the operation, and whose patient was still alive.

“That’s the man for me,” said I. “I shall have him and his assistants.”

“Well,” he replied, “then you will have to go to Berlin. If you determine upon it, I’ll go to Berlin with you; but to Berlin you must go, if you insist upon having him, and not be operated upon here. But I don’t wish to, nor will I, influence you in the slightest degree.”

“To Berlin,” said I, “among strangers? No! I am not able to speak one single word of the language. No; certainly not. Berlin must come to me.”

He remarked that the expense would be very great. My answer was :

“What is that to me? This is a matter of life and death. Sit down, please, and telegraph to Germany as follows: ‘What are your terms for coming with all the assistance, etc., necessary to perform an operation of extirpation of the larynx, and not leave until the patient is dead or out of danger?’ Now give me that



telegram. I'll take it to Vere Street, and you will get an answer by to-morrow morning. I'll come round and see what the answer is."

Never shall I forget what my feelings were as I stood in Oxford Street, looking at the passing cabs and omnibuses. I really thought that, if I did not hasten and tell somebody of my trouble, I should go mad. My daughter, Mrs. Stuart Richardson, was at her husband's place in Scotland, and was in a very delicate state of health. She was the only near relative that I had left. My executor and friend, Willie Mathews, was away on circuit; but my oldest and most intimate friend, to whom this book is dedicated, and to whom I owe a debt that never can be repaid, lived in the neighbourhood, and to her I repaired, and detailed the circumstances of my misfortune.

The answer duly arrived from Germany the next day. I immediately wired back: "Terms accepted. Start at once."

On the following Saturday the doctors arrived in London from Berlin. On the Sunday a consultation was held between them, Dr. Semon and my good friend, Sir James Paget, whom, being the head of English surgery, I had requested to attend the operation. It took place on the following Monday at that excellent private hospital, Fitzroy House, Fitzroy Square.

Everything was most successful, and within a

month I was able to crawl about. I was speechless, of course, for a considerable period. It was, indeed, doubtful at first whether I should ever regain my voice at all. One morning, Sir James Paget came to the hospital with the German surgeons—who were about to take their departure from England—and said :

“ Now, Montagu Williams, try and see if you can speak.” And the first words that came from my lips were : “ Gentlemen of the jury.”

I recovered my health, though my constitution was considerably shattered by the shock. Owing to the care subsequently taken of my body by my excellent friend, Robson Roose—who seems to possess a panacea for the ills of mankind—I gradually became strong again.

I interviewed Sir James Paget in reference to the future, and he confirmed the opinion that had already been expressed by my preserver, Semon—namely, that it would be dangerous to my life for me to continue my practice. I therefore retired from the Bar, and, having been made a Metropolitan Magistrate by the present Home Secretary, I was created a Queen’s Counsel by my old friend, Lord Halsbury, the present Lord Chancellor.

I have alluded shortly to this somewhat sad episode in my career for many reasons : firstly, I thought it desirable to explain how I came to retire from the labours I had loved so well, at a time when, in point of

fact, I was practically master of the situation ; secondly, I thought my experience might be of use to any one who might labour under the terrible affliction that befell me ; and, thirdly and principally, because it gives me an opportunity of publicly tendering my thanks, and expressing my gratitude, to the myriads of friends and acquaintances who rallied round me in my hour of pain.

My task is now finished, these Leaves of my Life are penned ; and to those of my readers for whom I have been able to while away a tedious hour, and to such of them—if any there be—who have derived some pleasure from perusing these volumes, I bid adieu in good old Roman fashion, and say, *Vos valetet et plaudite.*

## AUTHOR'S NOTE.

THESE Reminiscences are by no means so comprehensive as I had originally intended them to be. As I proceeded with my task, I found that considerations of space forced me to ignore many *causes célèbres*, both civil and criminal, in which I had been engaged; for example, the Overend and Gurney case, the Strike prosecution, and the Spirit-Rapping, the Merchants' Company, and the Great Eastern Steamship Company trials. I trust that the selection I made of the material at my disposal was a good one.





## APPENDIX.

THE following is the text of Mr. Montagu Williams' address to the jury in the trial of Lefroy :

May it please your Lordship, and Gentlemen of the Jury,—This is no ordinary case of murder that you are sworn to try. There is no question here as to degrees of crime. It is not a question of the sanity or insanity of the person accused. It is not a case in which mercy is likely to be extended. It is essentially a question of murder, and it is your duty to inquire into it—a duty which is cast upon you by the obligations of the oath which you have taken. It is for you to say, when this matter is concluded, whether this young man, for young he is—he is only twenty-one years of age—is to walk out a free and unshackled man into the light of day, or whether he is to suffer a violent and ignominious death, and be sent, with all his sins upon him, into the presence of his Maker.

Gentlemen, there have been many witnesses in this case, and I think I am right in saying that the chain must be a continuous one and a strong one—so strong that it is your duty in every possible way in favour of life to try to break it. The material must be such, and it must be forged in such a manner, as to withstand every possible test ; otherwise the prisoner is entitled to your verdict of “Not Guilty.” It has been said that there are many grains of sand in this case, which, taken together, constitute a mound, such a mound that neither the fury of the storm, nor the strength

of the strongest wave, can scatter it. If, in any particular, it fails in substantiality, the prisoner is entitled to your verdict.

I have one fault to find with an expression that was used—and it is the only fault I have to find with the way in which this case has been conducted. The Attorney-General said that the prisoner is entitled to the benefit of a doubt. There is no benefit; it is a right to which the prisoner is entitled. If, after reviewing, and carefully reviewing, every particle of evidence brought before you on the part of the prosecution, you are not absolutely as certain as human intellect can be certain, that the prisoner at the bar committed this murder, he is entitled to be acquitted. You are asked by the prosecution to enter upon a large and serious speculation. I warn you against doing so, lest you get far beyond your depth, and become utterly submerged.

Now, gentlemen, I submit to you that the very first starting-point of the chain of evidence is wanting, and, without any preface, I will proceed to prove it. Mr. Gold, the unhappy man who met with his death on June 27th, had been a tradesman. He had been a well-to-do man, and had acquired sufficient property to enable him to retire from business, and to live, as he hoped and believed, the remainder of his days in peace. He was a man of some precision, and his habits were of a very regular character. It was his custom, among other things, to proceed every Monday morning to a shop belonging to him in the south of London, and collect the week's takings. He usually paid this money into the bank, but it was his custom on the Monday preceding the first of every month to bring down for his wife sufficient money for the month's house-keeping, which varied from £12 to £15. In a little sovereign purse, he was in the habit of carrying never less than £3 10s. or £3 in gold. It was also his custom to bring down his wife's dividends. These dividends would become due, if they were Consols, in the first week of July; but it was his custom frequently to bring down

money to his wife in advance, that is, a week before the dividends became due. Now, the week of June 27th would be the last week of the month, and the 27th being a Monday, it would be in the ordinary course of events in the life of this very precise man, that he would bring down the money on that day. Even if he did not bring down the takings at all, he would have upon his body £3 10s. in gold, the money for the monthly housekeeping, and he would probably have the dividends to which his wife was entitled. Where is there a particle of evidence to show that the prisoner at the bar knew anything of this? Where is the tittle of evidence to show that he ever saw Mr. Gold in his life? Where, with all the opportunities the prosecution have had, with all the money they have at their backs, with all the solicitors and solicitors' clerks and counsel whose services they can command—where, I say, have they produced a particle of evidence that the prisoner ever knew one atom of Mr. Gold's affairs? Am I right, then, in saying that the first link has failed? Other people may have known Mr. Gold's habits and his customs, but not the prisoner at the bar. So far as we can learn, Mr. Gold was absolutely and completely a stranger to the prisoner.

The theory of the prosecution is that this was a planned murder—not a plan to take the life of Mr. A., B., C., or D.; but a plan to take the life of Mr. Gold, at a time when the accused knew that he had money upon him. I am glad, gentlemen, that I used the word “theory,” for the case against the prisoner is purely theoretical, there not being a single fact to support the case of the prosecution. In the matter of probability or improbability, I say that the question is entirely in favour of the prisoner. The prosecution say that he started on June 27th with the deliberate purpose of murdering Mr. Gold, and that he went looking from carriage to carriage for his victim; but there is not a particle of evidence to support that accusation.

Let us look at the probabilities. Do you suppose that a man who intended to commit a murder would do so immediately after committing a fraud? What had he done in the morning? Undoubtedly a shabby trick—a misdemeanour, if you will. He had gone, or sent, to the shop of Mr. Ellis for the purpose of changing counterfeit coin—obtaining money under false pretences, and doing that which must fix him upon any question of identity. And, having done this, the prosecution say he committed this murder for the purpose of obtaining money. It is far more probable, I should think, that, if he contemplated anything of the kind, he would have put off committing this murder for another week. It is a very odd thing, too, that he carried his card in his pocket, and I repeat that, on the question of probabilities, the case is entirely in favour of the accused, and not against him. Nay, more, if he redeemed this pistol on the morning of June 27th, do you think he would carry with him pawn-tickets bearing the same names as those which were found upon him? His own story is a simple one. He says: “I admit obtaining that money that morning, and I admit that I did go down to Brighton on that day. I had an appointment with a young lady; and that was the reason of my looking through the train.” Is that as improbable, gentlemen, as the theory suggested by the prosecution? It may be said: “What right has a young man who has no money to meet a young lady in this way?” Well, the prisoner is a young man, and you cannot put an old head on young shoulders. Up to the starting of the train, when you come to the question of probabilities, the probability is in favour of the story told through me to-day. I will not now dwell upon the question of the articles found upon Mr. Gold, and I will allude to the pistol by-and-by. Mr. Gold, be it remembered, had, or would have had, two purses—one purse like that found in the neighbourhood of the line. When I come to the line I will call your attention to the spot where the purse was found. However, there were two



purses. There were also two pocket-books. The purse like that which has been found would have had the £2 10s. or £3 in it. The other purse has never been discovered. One pocket-book was found on the body of the unfortunate man; the other is in some watery place. Then, as to the skull-cap, that is an important factor in the case, and will be an important matter when I come to deal with it. But where is that skull-cap? When we come to the theory of the third man in the carriage we shall have to deal with that cap. If the prisoner were alone, and committed the murder in the carriage alone—because that is the suggestion of the prosecution; and not only is it their suggestion but their case—where is the second purse, where is the second pocket-book, and where is the skull-cap belonging to Mr. Gold? There is one other matter to which I will allude, and that is, that the widow said he left home in his usual health, and that he was a tall, powerful man.

And now we come to the train. The first witness called—Franks—stated that he was standing at the front part of the train, and that there were only two ticket collectors. That evidence has been contradicted by a witness in another part of the case. He stated, however, that there were two collectors and that he was one of them. He says that, on the Monday, Lefroy was under his observation. He says, "I knew Lefroy." If he knew Lefroy, Lefroy would have known him; and let me observe to you that Franks is absolutely the only witness who proves, if he is to be believed, incontestably that Lefroy and Mr. Gold were the only occupants of the carriage—he is absolutely the only witness. Now, is he to be relied on? Carry your mind's eye to the station of the London and Brighton Railway at London Bridge, and look at the number of trains that are continually going out and arriving. The ticket inspectors look at every ticket before persons are allowed to enter the trains, and will you believe a ticket collector would be



able to tell you, without having any earthly reason for doing so, that, at a particular time, in a particular carriage, he saw two persons sitting? Use your common sense in that matter, gentlemen. But it is much stronger than that, because this man says that he had no reason for observing him. He said: "Lefroy sat in the far corner of the carriage, with his back to the engine." Now this man looked at Lefroy carefully. He actually knows how many pockets he had in his coat; at least, I won't say he knows how many, but he knows the exact position of them. He remembers, even, that his left hand was in one of his pockets. He tells you the time he got into the train. He tells you that his overcoat was buttoned; I wonder he does not tell you how many buttons he had on his overcoat! But he does not go so far as that. He tells you his overcoat was buttoned, and that his frock-coat was buttoned underneath it. The colour of the frock-coat was black, and he took his ticket out of a pocket on the right-hand side. Then he goes on to say a number of other things, as to the appearance of the prisoner, which I will not call in question, because he had seen him before. But we have it without doubt that, having seen him only for one minute of time, he is enabled to give you accurately all this description of the man. Now, in a question of life or death, where you must weigh everything and not throw dice upon a man's life, but weigh carefully and accurately every single circumstance, can you trust evidence of this sort without fear of the consequences? Well, now, this witness tells you that Lefroy wore a low felt hat. A most important thing that. Why does he tell you so? He had not a low felt hat. The burden of testimony is overwhelming that he had a high hat. One of your body put a question to Mr. Ellis, the answer to which showed he had no doubt that, when Lefroy started from Wallington, he had a high hat on. Then why does Franks, who is so accurate

as to other matters, say that he wore a low felt hat? Was there a third person? That is one solution. But I will give you another. The copy of *The Daily Telegraph* containing the picture was published on July 1st. It is quite true, as has been observed, that not every one reads *The Daily Telegraph*, but it has a very large and wide circulation; and do you suppose there was a man in London, when this matter became known at a somewhat dead season, when this sensational occurrence—for it was sensational, though I hate the word—was made public, who had not seen that copy of *The Daily Telegraph*? How unfair it is to the prisoner I will show you by-and-by. Now, why did Franks put this low felt hat on Lefroy except he had seen this picture with the low felt hat? Either it was the fact that he had seen the picture, or that he became aware of the fact that a low felt hat had been picked up on the line. He says he never saw a copy of *The Daily Telegraph*. Do you believe that? Do you suppose that this man had not seen a paper? Who are the men of all others who are likely to see them but railway ticket collectors and guards? Look at the number of liberal-minded passengers who come up to town every morning by train, and, having read their papers, hand them over to the guard or the collector. It is the commonest thing possible. Go into any of the great stations in London, and you will find the guards and ticket collectors, in their leisure time, reading the newspapers.

After Mrs. Gold, came a number of witnesses whom I did not cross-examine, and therefore I do not propose to say much about them. The evidence related to the question as to the identity of the watch. That, I take it, is admitted. There is no doubt whatever that the watch subsequently found in the shoe of Lefroy is Mr. Gold's watch. That is not denied, and at the proper time I will deal with it.

Then there was a witness named Cross, who stated that the

money paid to Mr. Gold, the takings of the week, was in a little canvas bag.

The other witness was Gilbert, a clerk at the bank, who stated that Mr. Gold paid the money into the bank in a bag. It is not, however, absolutely proved that Mr. Gold ever had it back. As it is not proved, all I can say is this: Under ordinary circumstances, according to the bank clerk, that little canvas bag would be returned to Mr. Gold, like the second pocket-book, the second purse, and the skull-cap. If it were so returned to Mr. Gold, where is it?

The next witness was Sewell, the ticket clerk. What is his evidence? It is he who, I think, issued a ticket to Lefroy. That is not contradicted. Lefroy could not have gone without a ticket. But he is useful in cross-examination to show that the prosecution has utterly failed to exhaust the tickets. They say there were only so many first-class tickets issued that day. That comes to absolutely nothing, because return tickets from Brighton are available for seven days, and any person having taken a ticket on one of those seven days previous to June 27th, could have returned by the two o'clock upon the 27th with the half of that ticket. The fact of three first-class tickets being issued by that train, therefore, absolutely and positively proves nothing. There is no means of showing, because the tickets are destroyed, whether any person so returned by that train. In addition to this, it is proved by Sewell that a ticket to Victoria would be available to London Bridge. The whole theory of tickets, therefore, is dissipated into the thinnest of thin air, and comes to nothing. Sewell said that, to the best of his belief, Lefroy had a high hat on. A high hat again, gentlemen!

The next witnesses were Gardner and Wood, the booking clerks at East Croydon, who endeavoured to prove that two persons got into the train; but they did not prove that Mr. Gold and Lefroy were the only persons in the train.

The next witness is one of considerable importance. It is Mr. Gibson, the chemist. Mr. Gibson was a traveller, with his little son, in the next compartment—a second-class. He tells you it was at Merstham Tunnel he heard some shots fired. He is not sure whether he heard shots or fog-signals, but it is alleged now on the part of the prosecution that they were shots. Merstham Tunnel is seventeen miles from London, and is 1,830 yards long. After this tunnel, you pass through Redhill Junction, than which there is no busier station on the line. The bullet having been fired at the entrance to Merstham Tunnel, according to the theory of the prosecution, and being at that time in the gullet of Mr. Gold, the two men were struggling and desperately fighting as they went through Redhill Junction.

After passing Earlswood, we come to Horley Station, and there we have the testimony of two witnesses, Mrs. and Miss Brown. We have then this fact—that at Horley, the wound having been inflicted at the entrance to Merstham Tunnel, this deadly struggle was still being kept up. The distance to Horley is twenty-five miles and thirty-seven chains ; therefore, you may take it that from Merstham Tunnel to Horley is something like eight miles. Thus, this deadly struggle must have been going on between this stripling and the deceased during all that distance, because the theory of the prosecution is that, if the bullet in Mr. Gold's neck produced insensibility at all, it was but a momentary insensibility. If Lefroy had killed him on the spot, there would have been no struggle as far as Horley. Whether the struggle was continued further we do not know ; but the body was found at Balcombe, which is, in point of fact, thirty-two miles from London. As far, then, as the evidence goes, up to Horley this lad, this sickly, weakly lad—he is before you, and you cannot say he is a powerful man—is supposed to have continued this struggle. Do you believe it, gentlemen ? You have it on Dr. Bond's authority that the pistol



wound, if it produced insensibility at all, only produced momentary insensibility, and that the deceased was perfectly able to struggle for his life. You have a tall, powerful man struggling for eight miles, and yet, gentlemen—I put it to you—there is not a particle of the prisoner's dress torn. As far as the evidence goes, some injuries were found upon him, but these I will account for by-and-by.

We now come to the evidence of Mr. Gibson, who tells you that he heard shots in Merstham Tunnel, and that he did not notice the slackening of the train.

The next witnesses are the Browns. They were standing at the window of their cottage, at Horley, and they say they saw two persons in a carriage, as the train went past, standing up as if they were fighting or larking.

The next witness was Watson, the guard, and he contradicts Franks in a certain way. He tells you that, instead of there being two ticket collectors on the platform at London Bridge, there were three or four. He says he does not know how many persons there were in the carriage occupied by Mr. Gold, and he tells you this important fact, namely, that in each carriage the door was unlocked on either side. He tells you, also, that at Preston Park he saw a chain hanging out of Lefroy's shoe. Now what is the inference from this on the part of the prosecution? They say that Lefroy, having planned this murder—upon what foundation this allegation is made I am unable to say—committed the murder, and, having done so, plundered and ransacked his victim, from whom he took a watch. This watch, they say, he put into his shoe, and left the chain hanging out as an indication of his guilt, so that every one should see it—and every one did see it. Why did he put the watch in his shoe? In case he was searched? Why, if he were searched they would take his shoe off. It is idle to say, gentlemen, that,



in order to avoid detection, he did such a thing. Then I say this—if he took it for plunder, and it was part of the scheme to rob and murder the poor man, why did not the murderer put it in his pocket? What was the necessity of putting it in his shoe? And if he did put it there, why did he leave part of the chain hanging out? I say, again, the probability is much stronger that he would have put it in his pocket. But if another person did it before escaping from the train, the case is altered. Having got whatever money there was on the body, he fixes the watch—the very thing that would have brought him to the gallows—on the senseless man. Where is the improbability in this? Is it more improbable that the third man should do that, than that the prisoner should put it in his shoe with the chain dangling out?

With regard to Watson's evidence, he is the only person who said that, when Lefroy was asked about the watch, he replied that he put it there for safety. Watson was standing by Hall, the station-master, and the other man—Gilson, I think; and their evidence is that Lefroy said, referring to the watch: "I don't know anything at all about it." I hope you will not let the case rest on Watson's remembrance of the exact words of the conversation. The greater balance of testimony is that Lefroy's utterance was, "I don't know anything at all about it." I ask you, is there any reliance to be placed on the evidence that Lefroy said, "I put it there for safety"? I will offer you an exemplification of how dangerous it is to rely too much on Watson's evidence, or upon his reproduction of the exact words used. After Lefroy had arrived at Brighton, Watson states that he asked him: "What about these two flash sovereigns?" I asked him whether he did not say, "these two sovereigns," without using the word "flash." He replied that he was not sure he did not. If Watson said merely, "these two

sovereigns," not employing the word "flash," Lefroy's answer is intelligible, for he said: "I have no sovereigns." Watson had them in the palm of his hand; and if the heads were turned up they would look like sovereigns. To show, then, how unsubstantial and insecure it is to rely upon every word Watson states, I would remind you that that witness, when pressed, would not swear whether he used the word "flash" or not. Now, he says, "the train slackened at Hassock's Gate down to four miles an hour;" and he is the man who asserts that it is perfectly possible for a person, when a train is in motion, to pass from one carriage to another. You will see the importance of that by-and-by. Now, it has not been conclusively proved that there was no third man in the compartment. If there were a third man, and this murder was committed by the third man, then he, first of all having disabled Lefroy in the manner I am suggesting, would have had ample time to get out at Hassock's Gate, or to change his carriage. Evidence has been given that the train slackened for 300 or 400 yards.

There must have been somebody who disposed of the various articles on the line. Except the umbrella, all the articles were on the line before Clayton Tunnel was reached. Clayton Tunnel, I think, is only four or five miles from Preston, where the train stopped. The tunnel itself is 2,252 yards long, and the umbrella was found just as you get into Clayton Tunnel. Now, gentlemen, did you see the umbrella—a peculiar umbrella? And getting from one carriage to another, would not a man be likely to steady himself with it, and use it for the purpose of catching on? It is just the very thing. It was ready to his hand. Remember, the next compartment was empty. Remember, no one except three ladies got in on the way, and not in that part of the train. The evidence is conclusive that the next compart-

ment was empty. The platelayers affirm that they did not see anybody on the line ; but negative evidence is not conclusive. Well, then, I have got the fact that there was ample opportunity for the man to have changed his carriage. With all their power, the prosecution cannot produce a particle of evidence to show that the next carriage was not empty when it left London Bridge. What more easy than for a man to change his carriage, so as to get away from the blood of the man who lay in the corner, and who sooner or later would recover—as recover he did? He might also have changed his carriage at Preston Park, when the attention of the whole of the people was called to the blood in the carriage, and to the man who was summoning aid and assistance, and in whose boot the watch was subsequently found. What more easy for him than to go on to the terminus at Brighton? By the evidence of the guard, it is quite possible for a person to have moved from one carriage to another, and he shows you the place where he most probably did so. Here is another thing which is wanting. They have shown, by the issuer, the number of tickets issued to passengers for the two o'clock train ; but they have not shown how many tickets were collected at Preston. At Preston the train stopped for the purpose of collecting tickets, so that any person getting out at Brighton would have no need of a ticket. Therefore it would have been most material in the suggestion that there were three persons in the railway carriage, which is not started for the first time, which is not a defence raised by me, but which is the prisoner's defence from Alpha to Omega—from the first to the last. Not to give that evidence was an omission.

The next witness was a very remarkable one. It was Joseph Stark, the ticket collector at Preston ; and low felt hats seem to be catching in that part, for he wants to make out by his

evidence that the prisoner was wearing a low felt hat at Preston Station, whereas, if you take the guard's evidence, and look at the map before you, you will find that a low felt hat was found upon the line just beyond Burgess Hill, and, therefore, according to him, there must be three hats.

Then there is the evidence of the man Franks, to which I attach great importance, as it will show you at once how unsubstantial upon details he is. You have it proved by Gilson, and by every other person, with the exception of Franks and the other extraordinary witness who put a low hat upon his head, that he had on a high hat. I shall use his evidence for the purpose of showing you how unreliable he is. My learned friend, the Attorney-General, has endeavoured to put the low hat upon the prisoner's head. A hat, you will observe, is afterwards found, after the train has passed, upon the line. Therefore it does not require a great amount of intellect to show that something must have happened. If this second hat belongs to Lefroy, he must have got it after he got into the train at London Bridge. That he had a high hat on his head, then, is proved to demonstration by a question put to a witness by your foreman. Therefore, if this hat is made to fit Lefroy, the suggestion is that Lefroy had two hats. Franks has proved he had a high hat on at London Bridge ; if so, another hat is concealed upon his person. That is impossible ; it is absolutely and positively impossible. You cannot get a hat into your waistcoat pocket. Franks describes him as having one hand in the pocket of his overcoat, and the other was outside. It is, therefore, perfectly impossible that he should have had two hats.

Having made these observations, I pass on to the next witness who was called before you. He is a witness of considerable importance—he is the witness Gilson, who was with Lefroy from the time the train left Preston till it got to Brighton, from the



time they went from Mr. Anscombe's office till they reached the Town Hall, and from the time they left the Town Hall till the time the surgeon dressed Lefroy's wounds, and then again until they returned to Brighton Station. At all events, we have it that Gilson was with Lefroy from Preston to Brighton, from Brighton to the Town Hall, and from the Town Hall to the station. He is the man also who says he said to Lefroy : " Where did the countryman get out ? " to which Lefroy said : " They must have got out on the road. " Then, in answer to a question from me, he stated that he said the prisoner said : " He must have got out on the road. " That makes a great deal of difference. It was a most natural thing for Lefroy to have said : " They must have got out on the road. " What was more natural than, having been rendered inanimately faint from his wounds, and knowing that there were two men in the carriage with him, and missing them when he recovered his senses at Preston, that he should say, in answer to the question, that " they " got out on the road ? Supposing any one of you, gentlemen, had been assaulted in a railway carriage, and had known that two persons were in the carriage with you when you became insensible, would you not, if you missed them when you recovered, have naturally said that " they must have got out on the road " ?

Then there is a man who says that the prisoner had a card in his pocket. I have already addressed you upon that. There were either one or two cards with his right name and address upon them. He must have known when he left Wallington that he had the cards in his possession ; and would he have gone with a card in his pocket, with his right name and address upon it, for the purpose of being identified, if he were about to commit murder ?

It appears to me that, in this case, everything that could be lost has been lost ; but I make no observation as to that. The handkerchief has been lost, and that would have been a most important piece of evidence, as handkerchiefs are generally marked,



and there might have been some mark upon this that would have told to whom it belonged. It is not, however, forthcoming ; but I do not for a moment suggest that it has been improperly made away with. I have endeavoured to throw no censure upon any one, and there has been no reason why I should do so. With regard to the tokens, Lefroy first of all said that they were not his, but subsequently, according to the evidence, he said that they were whist markers. If they were the subject of a fraud, it was not unnatural that he should deny that they were his. Those coins have not been found. Then, again, one of the officials said that he accompanied Lefroy from Preston to Brighton, from Brighton to the Town Hall, and back to the station, and that it would have been impossible for him to have made away with anything.

Now my friend asked : "How was the chain attached to the watch?" And the answer was : "By a swivel." It has been said that, when the watch was discovered, a piece of chain was attached. Now, what has become of that piece of chain? The prisoner could not have detached it. Who did?

The next witness I shall call before you is Hooper, who gets very important by-and-by, when you have to consider the evidence of a man who comes before you as an injured person. As to who is the injured person, or rather the person attempted to be injured, I leave you to form an opinion. I mean the man Weston. It seems almost incredible and impossible to believe that anybody can be so diabolically wicked as to come before you, and, upon his oath, make a statement of that kind against a man who is on his trial—who has enough against him, Heaven knows, with the vast power of this prosecution. It is almost impossible to believe, I say, that any man can be so vile and wicked as to come forward and state upon oath that which he has stated. But if Hooper and Anscombe are to be believed; and if Gilson is to be believed, that man's statement was, from first to last,

absolutely false. Hooper was present in Mr. Anscombe's office, and he says there was no such person there as Weston. Now, who is this man? He is a man who I presume is in a position to read the papers, and does read them. This was a matter of common notoriety. Everybody was talking about it; and Mr. Weston, with this important evidence within his knowledge and his remembrance, never goes before the coroner—never goes before the magistrates; but he subsequently volunteers, some six or seven weeks ago, a statement to some solicitor at Brighton. I do not wish Weston put out of the case. I say, either he is the witness of truth or he is the witness of falsehood. There is no middle course, and it would have been most important if the solicitor to the Treasury had called the solicitor at Brighton before him, to show what was in the proof of this man's evidence. But I call your attention to what he actually did swear in Court yesterday. He said he pointed to the prisoner's eyebrows, and to the cut upon them, and made use of these words: "That does not look like a gunshot wound; it is more like a prop from an umbrella." That is the first suggestion of an umbrella. He next said that he said, "I should take him to the police station," and that he saw no wound on the prisoner to account for so much blood. Now, that is the statement he makes some five or six weeks ago. I have had, as I expected I should have, the greatest latitude in this case, and I asked my lord if I might have Gilson back, and he at once assented. I asked Gilson if he was with the prisoner continuously all the time at the station, and he said he was. Was Weston there? No. Did Weston say those words about the umbrella, the words about its being "hot while it lasted," and the words about, "If I were you I would take him in a cab"? There can be no mistake about this; it is impossible. Another witness—Anscombe—was recalled, and I put this question to him, "If Weston said this must you have heard him?" and

he replied, "I must." Now, let me say that this witness Weston is the witness of the prosecution, and another of their witnesses—Gilson—was actually called, and said the story he told was an absolute fabrication. If the observation applied to that case, how much more would it apply to the circumstance of the witness going up to Lefroy and putting his hand upon the prisoner's shoulder, and saying: "That could not have been a gun-shot wound. It is a prop with an umbrella." I asked Gilson, "Did any living soul touch the man in your presence?" and the reply was "No." There is the evidence of Weston, and there is the evidence of Gilson who registered it. If all this is untrue and is an invention on the part of Weston, then all I can say is that in my long experience of human life I never before heard of so monstrous a story.

The next witness called was James Martin, a policeman, who proved nothing so far as my case is concerned; and the next witness, Thompson, was merely called to produce a statement. Terry, the Inspector of the Brighton Police Station, seems to have had no suspicion of the crime.

The next witness is a very important one. It is Mr. Bing Hall. He was the doctor who examined Lefroy's head at the time he was taken to the hospital, but, before I go to his evidence, I prefer to take you to the railway carriage. What is the statement of Lefroy about the matter? He says: "I got into the railway carriage at London Bridge. Mr. Gold"—it turned out to be Mr. Gold—"was in the train, and a third person, a man who looked like a countryman. Mr. Gold was sitting reading a newspaper." We have it from a man at Croydon that he had a handkerchief over his face. He was an oldish man, and it is very likely he may have been going to sleep. Lefroy says: "As I sat there, there was a flash. I was fired at. I was missed, so far as that went, and I was instantly assaulted by the butt-end of a pistol." That is important

when we come to the question of the wound as spoken to by Mr. Hall. "I was," says Lefroy, "rendered insensible by the wounds." Lefroy was sitting in the corner of the compartment, but what portion he was in after the train started we cannot say. Persons shift their places in railway carriages from one cause and another ; therefore we can't attach much importance to that matter. But if he were sitting there, you know that there is a bullet mark immediately over where his head would be, in the corner. If he was missed, and the man rushed upon him, by this time Mr. Gold would be aware of the state of things, and would do the most natural thing—rush to the bell. It is over that bell that there is another bullet shot. If Lefroy is rendered senseless, he can know nothing more about the matter until he wakes up at Preston with a watch in his shoe. Is that impossible? Remember, if the story is true there is no living man knows the truth about the third person but that third person, and it is for you to say, before consigning a fellow-creature to the grave, that it is impossible that a third person could have been present. The blood on the neck of the prisoner was a consequence which would naturally be anticipated from the wounds upon his head and face. Mr. Hall was asked: "In your opinion were the wounds sufficient to have caused faintness and insensibility?" His reply was "Yes," and he adds that they must have been inflicted by a pistol, or by the end of an umbrella. The man's head had had plaster upon it, and a white surgical bandage is subsequently found in Lefroy's coat-pocket. It was suggested that there was no blood upon it. If the wounds had been already plastered, why should there be blood upon it? But it has been proved that there was blood on the neck and collar, which would naturally be the result of the wounds on the head. As to the umbrella, if you struck with that in a struggle, you would strike flat, and with regard to the blood found on the prisoner, if he were attacked and lay prostrate,



and if a struggle were going on between two other persons for some miles, what wonder is there that blood should be discovered?

They say that Brown got into the carriage, and that one of them said, in a loud voice, that a body had been found. "Hush! you must not speak," was the answer. Why should not he have heard? The remark was made in such a loud tone of voice—so loud a tone that it called forth the "Hush!"—therefore you may take it for granted that he did hear, for the first time, of a dead body being found in the tunnel.

Holmes is the man who searched him at Brighton, and here I have to point out that no second pocket-book, no second purse, no skull-cap, no canvas bag were found in his possession. If he was the murderer, where were they? If, too, Mr. Gold had £2 10s. or £3 in his pocket, where was the money? In his possession, when searched, the prisoner had only 13s. Where, then, was the money? It was not in the possession of the prisoner. Then as to the pocket-book found upon him at Brighton, he told the detective that it contained private papers. Duplicates were there, no doubt, but when it was taken from the prisoner at Wallington, it was, according to the evidence, in the same state as it was at Brighton.

Holmes is a detective, and goes on with the prisoner to Wallington, and there it is, I say, that, having heard for the first time the evidence against him, however innocent he was, he began to lie. When asked the number of his watch he gives a wrong number. But there is no question put by the Attorney-General as to what became of the watch. It was last seen in the room downstairs, at Wallington. Whether Holmes kept possession of that watch, I don't know. I do not say so; I do not think so. From that moment, the prisoner says, he never saw the watch.



The next evidence goes on to show that, some little time after Holmes left, the accused, knowing all the circumstances of the case, left Wallington. If he were an innocent man, why did he fly? You know, gentlemen, we are not all constituted alike. We have men of strong moral courage, and we have men of weak moral courage. We have men of strong physical courage, and men of weak physical courage. The prisoner said: "I wish I had remained where I was. I wish I had not gone away." He had far better not have gone. He had far better have remained where he was; and it would have been a mercy to him if, in the discharge of his duty that night, Holmes had taken him into custody. But he flies; he knows he has been seen at Brighton, the only occupant of the carriage, deluged with gore; he knows that he has been taken to the hospital, with wounds on his head; he knows that the body is found in the tunnel; he knows a telegram is received stating that no watch is upon the body; he knows that Holmes is a detective officer, who is inquiring about a watch; he knows the watch has been placed by some one in his shoe, and that that watch is found in his possession. What man is there who would not fear? He tells a lie about the watch, and about the number. The officer leaves the house. The temptation is too great. Individual safety is the first thing a man thinks of, and I ask you whether there are not half-a-dozen men out of a dozen who would not have done the same? Don't forget that his action must have been quick. If a guilty man, he knew the duplicates were in his coat-pocket.

Now that finishes the evidence as regards what took place that night. Moss was the next witness, and Holmes mentioned to him the number of the watch. The next witnesses are the Jennings, who found Mr. Gold's body, and Lewis, the constable at Balcombe, who proves the state in which the body was found,

and the absence of the articles Mr. Gold is alleged to have had, not one of which is upon the prisoner. But the witness not only proved that. He stated that a diligent search had been made for the revolver, but that no revolver had been found. If there was a third person, and he escaped, he would have escaped with the revolver, and that would account for its not being found. They have had gangs of men from Merstham Tunnel to Balcombe Tunnel, and from Balcombe Tunnel to Brighton, searching for that pistol. The search is of no avail. My learned friend, the Attorney-General, asked the question of one of the witnesses: "Are there not many ponds and marshes on the road?" I dare say you know the road; I dare say there are ponds and marshes; but it must take a remarkably good shot to so accurately gauge it that, when a train was going at full speed, a revolver would fall in a certain place. But there is not a particle of evidence to show that the prisoner was ever in possession of a pistol. If it is important to show who offered the pistol in pledge, how much more important to show that he ever had one in his possession?

Then comes the evidence of Dr. Bond, who is a man of the greatest possible experience. He tells you that he made a *post mortem* examination of Mr. Gold's body. Mr. Bond's scientific impression is that all the wounds, with the exception of the fracture of the skull, were inflicted during life. He adds that, not only must a pistol have been used, but a knife; because we have, not only one wound, but wounds upon both hands and thumbs—deep cuts, such as would make Mr. Gold prostrate from loss of blood; and, in point of fact, he died from injuries inflicted upon him by somebody in the railway carriage. Now, where are the knife and pistol? The line has been searched, and these have not been produced. If a life and death struggle took place between these two men, would you not expect to

find some marks upon Lefroy's hands? If a terrible conflict were waged for eight miles between a powerful man and this stripling, would you not expect to find some marks or cuts on the prisoner's hands, in consequence of Mr. Gold trying to get possession of the knife? There are no such marks—not a scratch. But where is the knife? Now, if a third party did the deed, the knife would be where the pistol is—in the possession of the murderer. Two knives were found upon the line. Every inquiry has been made; and it is not suggested for one moment that these knives have anything to do with the case. Has the knife gone the way of the second purse, the skull-cap, etc.? When you are trying the life of a man, surely these things are of the greatest importance.

Now, Mr. Bond says that Mr. Gold was dead before he was thrown out. If so, it cannot be suggested that the marks of blood underneath the footboard were produced by his grasping the board for the purpose of preventing himself being thrown out. How could Lefroy get Mr. Gold's body out of the carriage? Lefroy had been wounded himself, and had lost sufficient blood, according to the medical evidence, to render him insensible. Yet the theory is that he lifted the body out! Gentlemen, have you ever tried to lift a person in a swoon! It was a dead weight. The purport of Dr. Bond's evidence is that he would expect to find Lefroy in a fainting condition, and yet it is suggested that he threw Mr. Gold's body out!

The next batch of witnesses speak concerning the hat. The proof is clear that the hat I now show you [holding one up] came out of the carriage. Whose was it? Lefroy did not have two hats. Then where is the head that fits this hat? It is a most extraordinary thing. This hat is not put before you for the first time. It was produced before the coroner; it was produced before the magistrate; and it is produced before you to-day. Months have rolled by since this murder. The prisoner was

arrested in July ; we are now in the month of November ; and not a single explanation of any kind is forthcoming as to this hat. The name and address of the maker are in the hat. The address is in the Strand. The prosecution may have the maker here for aught I know. Now, I submit to you that the evidence which this hat discloses is in favour of the doctrine of a third person in the carriage.

The next point in the evidence is the slackening of the train. There we have the evidence of Mr. Wood, the witness who was awoke by the train slackening. It brought him home to his own door, and so slow was the rate at which it was going that he actually picked up his bag with the intention of getting out.

With reference to the collar of Lefroy which was found on the line, my contention is that it was twisted off his neck by his assailant, and that, being wet with blood, it probably stuck to the step, and was afterwards gradually detached by the movement of the train. With regard to the pistol, the evidence concerning it is chiefly the evidence of pawnbrokers' assistants. One of them—Creek—states that it was pawned on June 21st, and released on the 27th. He said he knew the prisoner as a customer who had been in the habit of pawning articles in the name of Lee, and that, speaking to the best of his belief, he was the person who pawned the revolver. But, when cross-examined, he could not swear that the prisoner was the person ; thus declining to swear that which the prosecution asked the jury to swear. As a rule, pawnbrokers do not take much notice of the people who come to pawn, and have often very good reasons for not doing so ; and articles are almost always pawned in false names and addresses. In the hurry of business, in a pawnbroker's shop, it is impossible to identify every customer ; and the evidence of Creek, that Lefroy was the person who pawned the revolver on June 21st, cannot be relied upon



by you as evidence that should be acted upon against the prisoner. If he did pawn the pistol, do not forget that whoever did so had in his pocket a box of cartridges. With regard to this, the pawnbroker's assistant says: "I took the shots from the pistol, which I found to be loaded, and put them back in the box." I did not ask the question whether there was any address on the box, because I thought the witness might very reasonably have forgotten whether there was or not. There is not a particle of evidence to show that you are dealing with the pistol which Lefroy bought, or that he ever bought one or pawned one, except the evidence of a pawnbroker's assistant.

That evidence of the assistant brings us to the evidence of Mr. and Mrs. Clayton. They were called before you late on Saturday night; and is it to be suggested that they came here for the purpose of committing wilful and corrupt perjury? The pawnbroker's assistant says that, from his book, he should say the pistol could not have been pawned on June 21st earlier than nearly seven o'clock. If the Claytons' evidence is correct, it is impossible that the prisoner at the bar could have pawned that pistol. Mr. Clayton says: "I came home by the train which reached Wallington shortly after seven, and when I got home the man who opened the door was Lefroy. I swear it." Nothing could shake him. If that be true, the evidence of the pawnbroker is worthless. And why should it not be? I asked Mr. Clayton, "Why do you remember the 21st?" He gives you an excellent reason—his wife was confined on the 23rd. He himself had gone to town, and Lefroy, who was an idle man, or, at any rate, one whose work was desultory, had no cause to go to London. Mrs. Clayton is then called into the witness-box, and what story does she give? Nothing is so convincing as her tale. She says: "I expected my confinement. I was ill. Lefroy had lived with me, or my father, all his life. I was



nervous that day." Gentlemen, women in that state are nervous. She continues, "I asked him that day, in the morning, if he would remain at home, for fear I might want a doctor;" as, of course, she would be unable to send one of her scholars. She goes on: "During the day I was in the room in which I receive my scholars, but went out of it occasionally to see Lefroy, as I thought it would comfort me." Is that impossible? Then I ask her: "When did you have your tea?" "At six o'clock." "Who had tea with you?" "Lefroy," is the answer. Is that a tissue of lies from beginning to end? Would you believe, against evidence like that, that given by a pawnbroker's clerk, and thus find the prisoner guilty?

The evidence called before you to-day has been evidence that I have not attempted to controvert. It has been simple evidence to show that he tried to disguise himself after having fled. What is more natural than that he should have done so?

I have now exhausted the observations I propose to make to you upon the evidence on the part of the prosecution, and I have to ask you to take that evidence as a whole. Before you can convict the prisoner you must be prepared to say that the evidence is conclusive, and that there cannot be a mistake. Remember, gentlemen, that your verdict is final, and that the question in your hands is one of life and death. Remember that the light of life, once extinguished, can never be rekindled. You are told that circumstantial evidence is convincing. Now I deny that. Paraphrase it, and what does the statement mean? It means that human intellect is infallible. I ask you is that so? Is it to be said that circumstantial evidence has never been wrong? Have not convictions taken place where the evidence has been proved wrong? In our own time you will see that, over and over again, life has been sacrificed by circumstantial evidence; homes have been wrecked by circumstantial evidence. I seek

by these words of mine not to endeavour to turn your minds from the straight path. I do not seek to lead you to depart from the sanctity of the oath you have taken ; but I do entreat you to judge of every particle of evidence with that ability such as it is in the power of human intellect to bestow. Gentlemen, you can do your best. I have discharged the duty cast upon me, and I now leave the matter in your hands. I can only, in conclusion, pray that, in this terrible hour of your need—for a terrible hour it is for you—that He to whom all hearts are open, and all secrets are known, may guide and conduct you.

The following is the speech delivered by Mr. Montagu Williams at the trial of George Henry Lamson :

On Wednesday morning last the prisoner at the bar was arraigned before you for the wilful murder of Percy Malcolm John. This is not a question of degree—there is no question at issue as to whether or not your verdict can be reduced from murder to manslaughter ; and it is not a case in which, if found guilty, the prisoner is likely to have mercy extended to him. It is essentially, so far as he is concerned, a case of life and death, and I quite agree with the learned Solicitor-General when he states that, if the prisoner at the bar is guilty of this deed, he has committed a murder of the gravest kind. No doubt a case involving the issues of life or death is a most onerous one for all concerned, and particularly onerous for the jury. If this is so in ordinary cases of murder, the duty is a hundredfold more difficult in this instance, because you have not only to determine upon questions of evidence, but you have to endeavour to traverse a region of science which up to the present moment has been unexplored—a particular branch of science which, I think I may

safely say, is only yet in its infancy. You are asked to take a leap in the dark, and you are asked to take that leap without a gleam of scientific light to guide you. The case, as I am aware, has already occupied a very considerable time, and I can fully appreciate the care and anxiety which you have brought to bear in trying the charge. I should feel almost dismayed in the task which I have undertaken, and which I am about to discharge to the best of my ability, if I did not believe you would bring to bear upon this most difficult and delicate matter all your intelligence, all your sense of right, and all your acuteness. We have all witnessed the attention which you have paid to the evidence throughout this most painful investigation, and more than one of your body has, from time to time, put most opportune questions. I thank you one and all. To the best of my ability I have endeavoured not to lengthen the case unnecessarily, and I have tried, and I hope I have succeeded, in not putting a single question which has not been of the utmost importance.

I propose now to place before you two propositions. One is, did this unfortunate lad die from the administration of aconitine? Are you of opinion that he did so beyond all reasonable doubt? for, if you have any reasonable doubt, the prisoner at the bar is entitled to be acquitted. Secondly, if you are of opinion beyond all reasonable doubt that he did die from the administration of aconitine, then are you persuaded, beyond all reasonable doubt, that the aconitine was wilfully administered by the prisoner? I will deal with these propositions in the order I have placed them before you, and without, for the moment, tracing the evidence of witness after witness as they were called before you.

I will first take that branch of the evidence which for my purposes I will call the medical evidence. I cannot help thinking, subject to your better judgment, that to rely upon this in such

a way as to sacrifice human life will be, to say the least, unsafe. This evidence is most unreliable. Who knows anything about aconitine, and Echo answers "Who?" It is the root of the monk's-hood—aconite is the one form, and aconitine contains the active principle of that one form. Up to the present day, with the exception of one single case, there is no authority of any kind or sort upon the subject. This is the evidence of the medical men who have been called before you; each of these gentlemen admits that he knows nothing at all about aconitine. It is not my intention for a moment to attempt to cast a slur upon a very honourable profession, but, one after the other, the medical men, when questioned as to aconitine, say: "We know nothing at all about it." Dr. Berry is the first medical man who sees the deceased. He was not sent for—and I beg you will mark that—but he happened to be visiting at the house. Dr. Berry has described the symptoms to you. The first thing the deceased complained of was heartburn. Where is heartburn given as one of the symptoms of aconitine poisoning? After the consultation with Dr. Little, how do they treat the deceased, and for what? Irritation of the stomach? Was there at that time anything passing in the mind of Dr. Berry to lead him to believe that this lad was labouring from poison? Was there anything to lead him to suppose that he was suffering from any special poison? No; certainly not. Do not forget that. This boy was sensible up to the last. There is a discrepancy as to when he was carried upstairs, and I will deal with that at the proper time, but it was some time between eight and nine o'clock. He was carried from the bath-room to the bed, and, from the first to the last, there was every symptom of irritation of the stomach. The doctors acted on this belief because, from nine o'clock until past eleven, when the lad died, they never even attempted to use the stomach-pump. No suggestion of any kind was made for its use. If poison was in the



minds of these gentlemen — if they believed that poison had been administered — why did they not take some means for counteracting it? Not a single remedy was attempted which, if poison had been administered, would probably have saved the lad's life. Therefore, I think you may take it for granted that, with regard to Dr. Berry, it never, up to the boy's death, entered into his mind that poison had been administered. Not only so, but, in reply to a question from me, Dr. Berry admitted that it was not until the *post-mortem* examination that he came to the conclusion that the lad had been poisoned. It was after the *post-mortem* examination, he said, that they came to that conclusion, and that death was caused by a vegetable alkaloid. It then became my duty to examine him as to his knowledge of vegetable alkaloids, and, as I have said, he candidly admitted that he knew nothing at all about them. Thus, even upon the evidence of the very first witness called for the prosecution, their case hopelessly fails. "I know nothing; I cannot answer your question. Although a scientific man, I am unable to assist you." Thus we are thrown back, not upon facts, but theories. My case is that the evidence of the scientific witnesses for the prosecution consists wholly and solely of theories. The witnesses confess that they cannot answer my questions, and that their minds are a blank with regard to this particular poison. Dr. Little gives the same replies as Dr. Berry with regard to aconitine; but he says "we" (and it is quite clear that he was wrong in doing so) in stating that the conclusion had been come to that the lad was suffering from an irritant vegetable poison about an hour before his death. Had "they" come to such a conclusion, it is very certain that remedies would have been applied, and the stomach-pump used. Dr. Bond is a gentleman well known in this Court as a man of very considerable attainments, and he assisted at the *post-mortem* examination. But his opinions.



were based upon the symptoms as detailed to him by Drs. Berry and Little, and I think it requires but a very slight strain upon the imagination to come to the conclusion that it was he who first gave the other medical men the idea that it was a vegetable alkaloid. In reply to questions as to his knowledge of aconitine, he gives the same answers. Thus it comes to this, that, so far as I have gone, you are asked to say that the boy died from aconitine poisoning upon the evidence of a gentleman who was entirely ignorant of the symptoms. Or rather, I may say, you are asked to give your verdict upon the evidence of gentlemen who say that they are entirely ignorant of the subject which you have to decide. There is not a particle of evidence, so far, that the lad died from aconitine poisoning. You must remember that aconitine is their case, and that death from aconitine is the case placed in issue by the Solicitor-General. Further, it is aconitine administered in a capsule on December 3rd, that they stand or fall by.

The next witness to whom I shall draw your attention is one of great ability—Dr. Stevenson. He is the very first witness called claiming to have a knowledge of vegetable alkaloids who positively associates the symptoms with them. And how does he arrive at the opinions he has placed before you? He says there are no direct means of tracing aconitine—there are no tests which can prove beyond the possibility of doubt the presence of aconitine—and there are no authorities upon the subject. He, however, founds his opinions upon the symptoms as detailed to him, and upon his experiments with mice, but he admits that most of the symptoms are consistent with other causes. Says Dr. Stevenson: “I take the symptoms *en masse*. No doubt they are consistent with other causes, but, at the same time, they are consistent with aconitine.” He tells you that he carefully submitted the various things given to him

to analysis, and that from the liver, spleen, kidneys, urine, and vomit, he and Mr. Dupré obtained what they believed to be certain vegetable alkaloids when they tried with the test of taste, and upon some of the lower animals about whose sufferings there seems to have been very little care — mice. “We tried them upon mice,” they say, “and from the experiments, and from the taste, we have made up our minds that these vegetable alkaloids are aconitine.” Here I should like to direct your attention to the process by which these results are obtained. He says: “I took half the contents of the stomach, and mixed it with such a quantity of rectified spirit as, with that spirit previously added by Mr. Dupré, made the proportion of spirit to liquid taken, two volumes of spirit to one volume of liquid. The liquid which I took was acid in its reaction. The mixture was allowed to stand two days, from Saturday to Monday. It was then filtered, and the insoluble part was well and repeatedly washed with rectified spirits. The clear liquid was then evaporated at a temperature below that of the human body, until it was almost solid. The portion which had not been dissolved in spirit was then treated with an additional quantity of spirit, to which a little tartaric acid was added. The mixture was then warmed till it had a temperature of 140° Fahrenheit. It was then cooled. The mixture was filtered, the insoluble part was well and repeatedly washed with spirit, and the clear liquids obtained were evaporated at a temperature below that of the human body, till a fairly solid residue was obtained. I now obtained two alcoholic extracts, each of which was treated in a precisely similar manner, but separately, by digesting them with warm absolute alcohol, or rather, tepid alcohol, till the alcohol would dissolve nothing more. These solutions in absolute alcohol were filtered and evaporated to dryness, or nearly to dryness. They were then

treated with a little water. They were found to be acid in reaction, and the two solutions—that is to say, the one from the plain spirit, and the other from the tartaric acid—were mixed. Care was taken that they remained just acid, distinctly but faintly acid, and the solution was then agitated with washed ether. The ether was allowed to separate and drain off, after which it was replaced by fresh ether; and this operation with the ether was carried out five times. The ether was set apart and allowed to evaporate at a temperature below its boiling point. That was reserved as not containing the alkaloid.”

My object in calling your attention to this, is to show you how the whole solution is changed about. What effect might not the ether have had upon it? From a solution it is reduced to a solution again; and because a mouse dies from such an injection as this, the analysts come to the conclusion that the boy's death was occasioned by aconitine. Is this safe? I suggested on Saturday that I should read you a passage from a paper written by Lord Coleridge; but it was objected that anything Lord Coleridge said, he not being a medical man, was of no use. This is rather unfair. It is not because a man does not happen to be a professor of a particular science that he is no authority with regard to that science. Mr. Gladstone and the late Lord Derby have translated Homer, and as well might it be said that, because they were not professors of Oxford or Cambridge, their opinions were not worth anything. Yet I will undertake to say that both of those gentlemen knew more of Homer than all the professors put together. My object was to show you that the test of animals was not altogether reliable; and although I was prevented from quoting passages to that effect, I arrived at the same end by quoting the passage from Professor Tidy's book, which you will remember. But I will ask you to use your own common sense in this matter.

In this case little tame mice were used, and the operation was commenced by pricking with a needle. Why, one of the mice, as you have heard, died under the process of pricking. Ordinary fright will kill a mouse without the infliction of pricking with a needle; and the injection of mere water will kill them. Yet, because these mice die within fifteen minutes of these injections, you are to come to the conclusion that this was due to aconitine. Is it safe to rely upon such a test? Would you rely upon it in the ordinary affairs of life? Would you rely upon it in any question in which your own private interests were affected? If you say "No," can you rely upon it when the blood of this man is upon your shoulders? If it were possible to trace the action of the poison upon the interior of the animal it might be different, but the heart of a mouse and the liver of a mouse are so infinitesimally small as to be beyond the range of description. Possibly those mice died with a quiver—very likely they did—from the injection; but they were just as likely to have died from the injection of anything else.

Then as to the taste. What is it they taste? The result of a mixture, that has gone through a lengthy and laborious process too tedious almost for description. And because it is bitter to the taste, and has a burning sensation on the tongue, and is something like aconitine, you are to come to the conclusion that it is that alkaloid. Can you rely upon this? You must remember that the extract is taken from the contents of a human body many days after death. Dr. Stevenson admits the presence of morphia, which of itself is a vegetable alkaloid, in the liver, spleen, and kidneys. No morphia was present in the urine. The test I again say is most unreliable, and should not be depended upon in a case of life and death. I can assure you, to attempt to grapple with the evidence in this crude shape, is not only a difficult, but almost superhuman task.



You will remember that I questioned Dr. Stevenson as to the existence of cadaveric alkaloids, and he told you that, although he was inclined to believe in the theory, the matter was still *sub judice*. But whilst the scientific judgment is entirely unpronounced, and the medical mind is still open, you are to decide fatally the case so far as the prisoner is concerned. When, however, you have a gentleman like Dr. Stevenson tell you the matter is still *sub judice*, I do invite you to pause. If cadaveric alkaloids do exist, you will remember that in this case it was six days after death before the *post-mortem* examination began. Considering all this, can you come to the conclusion that this was or was not aconitine? You must not forget when you come to the question of certainty or uncertainty; you must be of opinion that the matter is settled beyond the possibility of doubt, that this unfortunate lad died from the administration of aconitine. Is it so proved, or would not the Scotch verdict of "Not Proven" be the proper verdict in this case? Should the proof fall short one iota, the prisoner, without my going into my second proposition, is entitled to your verdict upon my first proposition.

I do not propose now to go into the question of the analysis of the powders and the pills. This will come in its proper order. The evidence as to the aconitine is upon the solitary testimony of Dr. Stevenson, backed, as that is, by Mr. Dupré. Well, that is the first question you will have to decide; and I cannot help thinking that it would be dangerous to sacrifice even the life of one of your favourite dogs on such evidence. It may be said, by-the-bye, "Why do you not call evidence to rebut this?" I will tell you. My suggestion is that the whole of this evidence is theoretical—it is speculative; and if I was in a position to place before you contrary opinions it would come to exactly the same thing. I say, and I think you will agree with me, that there is utter ignorance with regard to this aconitine.



Besides, it will be unfair on the part of the Crown to challenge me upon that point, because they have put it entirely out of my power to do so.

The suggestion came from the prisoner, that he should have an analyst present at the experiments. If the evidence of medical experts was to be taken against him, why, in the name of common fairness and common humanity, did you not allow him to have an analyst present, to speak as to the means by which the analysis was conducted? We complain, and that bitterly, of this. Was there ever a greater piece of red-tapism than the letter which has been read from the Home Office? Says the Home Office: "The presence of a third medical man at an official analysis, ordered by this department, is contrary to all practice." If it is contrary to all practice, the sooner that practice is remedied the better. In common fairness the prisoner was entitled to have some one. To try a man upon speculative theories on the one hand, and upon an analysis taken behind his back on another, is trifling with life.

So much for the medical evidence, and if I am to be twitted with not calling witnesses, this is my explanation. It is impossible for me to call witnesses. I could not call them upon these facts, because it is proved to demonstration by the prosecution that the view they have set up is founded upon speculation only, and one for which there is no authority. The only chance that I could have in such a case was to have medical experts present at the analysis.

Now comes the question, should you be of opinion that this was a case of aconitine? Who administered it? Was it administered by the prisoner? The evidence has gone to prove that he was exceedingly fond of his brother-in-law. You will remember that he was in the habit from time to time of visiting him at Wimbledon, and that the deceased frequently visited

the prisoner. This I desire to place before you as strongly as I can, as it strikes me as being one of the strongest elements in my case, especially when you come to consider the post-card to the prisoner's loving wife, who, whatever others may say of him, still remains true and firm in her belief of his perfect innocence. [The prisoner at this point was visibly affected.] By this you will see that the boy was to travel down to Chichester in three weeks' time. If he had contemplated murder, if he had an assassin's intention in his head, why did he not wait until he had got the boy with him; and why did he, a medical man, go down to Mr. Bedbrook's school on December 3rd and administer the poison there? And administer the poison to get what? 'To get money to relieve his present necessities. I shall show you, before I sit down, that in the course of two or three weeks the prisoner would have had the boy in his own house and under his own care, when, if he had been sick, he could have marked his symptoms, and might have called in a medical man; and yet, notwithstanding that in the brief space of two or three weeks he might have had the boy in his charge, it is suggested by the prosecution that he, for the paltry sum of £1,500, sacrificed this boy's life. Why did he not wait till he had got him down to Chichester, where he would be safe with regard to the vomit, because he might have destroyed it? What speaks ten thousand times stronger in his favour was that, if he had taken him down there, he might have given the certificate of death. All this, however, he did not do, and I say it is unreasonable to suppose that the prisoner went to Wimbledon with such intentions as those that have been attributed to him. I quite admit that he was in straitened circumstances, and that he was in great poverty; but poverty is not a crime. I asked the prosecution to desist from calling evidence upon that point, stating that I admitted the fact, but they still went on; witness after witness

was called, and you heard it proved how executions were put into his house by tradesmen, and so on. Whether or not this was done to prejudice your minds, I do not know; but if it was, I do not think it will succeed. To be unfortunately poor is one thing, but to commit an infamous and monstrous crime for the sake of obtaining money is another thing.

Supplemental to the observations I have made upon this point, and as to why the prisoner did not wait until the Christmas holidays if he had such murderous intentions, I may point out that the deceased was actually visiting the prisoner and staying at his home in the summer time, and during those visits he was perfectly safe. Now I will just call your attention, while on this part of the case, to the matter of the post-card, which shows that the boy must have been in previous communication with the prisoner. The post-card was in these terms: "Dear old Kitten, we break up on the 20th (Tuesday). I will write and tell you by what train I am coming." From the language of that post-card, it is certain that a previous communication must have passed between them, for he does not say, "Can I come?" But he speaks as if the whole matter had been settled and arranged that he should, and there was an understanding between them that he was to come. The only question was as to the train by which he should come. It is therefore perfectly clear in the light of common sense, that there had been inter-communication between the prisoner's wife and the boy as to his coming down. And then, gentlemen, I say to murder a boy in the way it is alleged would be the work of a lunatic; whereas, by waiting a fortnight, the prisoner might have committed the deed, if he had been so minded, with very great security against detection.

Now let me take you to Wimbledon. On December the 2nd there had been—and I think it will be most important for you

to recollect the fact—examinations going on at the school ; and it is important for you to remember that, according to the evidence of Mr. Bedbrook, the deceased was generally put about by those examinations, and that his health generally suffered. We have evidence as to the state of his body. He had two curvatures of the spine, one a dorsal curvature, and the other a larger or lumbar curvature. He had also paralysis of the lower parts of the body. Seeing the condition of the body, I think it is a very curious thing if he should have been a healthy boy. It is most unlikely that he was, and we have it in evidence that these examinations generally troubled him very much. You will recollect also that, when the prisoner arrived at the school, Mr. Bedbrook said, “I am glad you did not come yesterday, because the boy was under examination.” Then you have the evidence of Mr. Bedbrook as to the curvature of the spine, which he said was becoming worse, and this fact is borne out by evidence of more witnesses than one. It is with reference to this matter that the prisoner says, “I don’t think he will live long ;” but you must remember, if that is to be taken as evidence against the man, that he has said that over and over again, long before this occasion, and he had expressed his medical opinion that the boy’s curvature of the spine would sooner or later end fatally.

On the occasion when the prisoner saw him, the boy was brought down to the room—carried down. There were other persons in the room, and he partook of cake and sweetmeats. It is not suggested that there was anything the matter with the cake or sweets. They have been analysed, but no poisonous matter was found in them. There were three people in the room. Mr. Bedbrook stood at an elevation—that is to say, he was standing up whilst the prisoner was sitting down, and as near to Percy John as I am to my friend sitting next me. The suggestion of the prosecution is—nay, it is their case—that in the presence of



these two persons, the capsule was produced by the prisoner, and either that he had already placed in this capsule enough aconitine to destroy something like three lives, or that he manipulated the aconitine into the capsule while he was there. Now what is there to support that? What does Mr. Bedbrook say? He says, both before the coroner and the magistrates, and he repeats it in answer to me in the Court, "I saw him fill the capsule with sugar he took from the basin." That is to say, "I, with my two eyes, saw him fill the capsule with the sugar he took from the basin." No living eye perceived that there was anything in the capsule. Why, there was the boy sitting next to him, and Mr. Bedbrook standing up on the other side in, as I have said, an elevated position. Mr. Bedbrook himself takes a capsule, and then the prisoner says, "Percy, you are a swell pill-taker, take this." Where is there a trace or particle of evidence that in that capsule he put anything else than sugar? As far as we know, the prisoner took the capsule out of the box. There is no evidence to the contrary. There is no evidence that he took one out of his pocket, but there is evidence that he took one out of the box at haphazard. If the theory of the prosecution is correct, the prisoner must have put the poisonous capsule into the box, utterly careless as to whether Mr. Bedbrook took it out or not. In the absence of anything like evidence, therefore, what conclusions are we to arrive at? Now, mark me, the capsules were taken—one by the deceased, one by Mr. Bedbrook, and one by Banbury—not an important matter for your consideration, when I come to deal with another branch of this matter.

It was suggested by the Solicitor-General—and here again a life is to be sacrificed upon a mere theory—that the prisoner asked for some sugar to disguise the appearance of what was in the capsule. Did he ask for powdered sugar? Certainly not. Then how can this be a blind? He asked for sugar, and stated



that he simply wanted to put it into his sherry. To his mind the sugar did away with the alcoholic effects of the sherry. What was there, I ask, to prevent them bringing lump sugar to him? As a rule, lump sugar would have been used in such a case, and not powdered sugar. If he required powdered sugar, why, I ask, did he not ask for it?

For some time after the prisoner left, the deceased did not complain of sickness; and he only complained, just before going to bed, of heartburn, which is consistent with indigestion, and utterly inconsistent with aconitine. For some twenty minutes he was left in the dining-room alone, after the prisoner went away. He was afterwards taken up to his room, and Mr. Bedbrook became alarmed at his symptoms. Asked how he felt, the boy then said, "I feel as I felt when my brother gave me a quinine pill at Shanklin." Now, gentlemen, weigh the words well, for they were used by Dr. Berry and Mr. Bedbrook. Mr. Bedbrook examined the box of capsules, which were lying upon the table, after the prisoner left, and he found amongst them four or five quinine pills. How had those pills come there? It is perfectly clear that no quinine pills were given to the boy by the prisoner in the room there that night—that is, in the sight of any one. Mr. Bedbrook was present the whole time, and he would have seen if there had been any given, or if there had been any mention of it. The only thing said about the pills was, "You are a swell pill-taker." Mr. Bedbrook took one capsule out of the box, and he had an ample opportunity of seeing the pills, had they been there; so that it is perfectly clear that the pills did not come from the prisoner, who did not give the boy anything, save and except the cake and the fruit.

The Solicitor-General: And the capsule.

Mr. Montagu Williams: Yes; the capsule. I intend to be perfectly free and open to the jury. Where could the boy have

got them from? They certainly did not come from the prisoner. Where was the boy all the afternoon? He was downstairs. What was found subsequently in his box? Why, pills; and not one pill, as I will show you, can be traced to the prisoner. The boy was in the room downstairs, and was able to get about. Here I have a very grave complaint to make against some of the witnesses for the prosecution, inasmuch as they studiously concealed from us the fact that the boy was able to get about. I shall show you that he was able to crawl about from place to place. I would have you remember, also, that this boy kept medicine unknown to any person in the school. According to the evidence, the only person who was allowed to give medicine was the matron, who was called before you. The boys did not keep their own medicine; they were not allowed to do so; and yet you find that not only is this boy in the possession of quinine powders, but also pills, utterly unknown to a single soul in the establishment. Now, did he himself take a pill that night? Did he himself take one of the powders that night? Here is that boy—"the swell pill-taker"—fond of taking medicines, with new capsules before him. What more likely than that he should have taken one of the pills on this occasion? He had an attack of heartburn. What more likely than that he should have had it? It is suggested, on the part of the prosecution, that the pills found in the play-box were sent a long time ago from America by the prisoner. That idea, however, is exploded by Mr. Bedbrook's evidence.

Mr. Bedbrook says that the boy, having taken one of the pills sent from America, said he did not like it; that he felt ill after taking it—which is not a very extraordinary circumstance in taking pills—and that he would rather not take more. Upon that, Mr. Bedbrook took the pills from the boy and destroyed them. At least, though he will not say that he really did

destroy them, he will most distinctly swear that he never gave them to the boy again. If you come to the conclusion that this was one of the pills that Dr. Lamson brought from America, you must do so in direct opposition to the evidence of the prosecution, for they have proved to demonstration that these pills were destroyed, or if not destroyed, were not given back to the deceased. There were four or five pills found in this box, and there is nothing to show that the deceased might not have had one in his waistcoat pocket. There is nothing to prove to the contrary—there is nothing to prove that he did not take a pill himself. One witness says deceased said, “I feel as I felt after my brother had given me a quinine pill at Shanklin.” Had the prisoner given a pill on December 3, he would have said so. The boy himself never suggested that the prisoner had given him anything—he never even mentioned the capsule, which shows to my mind plainly enough, that he did not for a moment suspect anything wrong. He had the whole of his faculties about him, and yet when he was questioned he did not say, as you would expect him to have said, “He has given me another pill; he must have given it me in that capsule.” The matron of the school, Mrs. Bowles, was examined before the coroner, and before the magistrates, and she said that the deceased was very ill, and vomited, and that he stated that he had taken a quinine pill. Not a syllable more. The same applies to some of the other witnesses. It is only in this Court that we hear from them that the pill was given at Shanklin.

Mr. Bedbrook has told you that a letter subsequently came from the prisoner with 4s. 6d. for the deceased. I suppose that the prosecution are about to say that this was part of the diabolical scheme that he had conceived for destroying the boy's life, and that he only sent the money as a blind, knowing well that the lad was then in the agonies of death. I cannot for-

the life of me understand why so much evidence was called for the purpose of misleading you as to this boy being able to get downstairs. Time in this case is of the greatest importance. Dr. Stevenson agrees that in cases of aconitine poisoning, symptoms would be apparent in from a few minutes to two hours.

I propose before I continue the thread of the observations which I was making when the Court adjourned last evening, to draw particular attention to one or two matters which I do not think I sufficiently dwelt upon. I complain, and bitterly complain, and shall do so to the end of the chapter, of the conduct of the Home Secretary in not allowing an analyst to be present on behalf of the prisoner. It is not the practice of the Home Office to permit analysts to be present on the part of the accused; still, in a matter of life and death, that rule should be relaxed, or at least, the residue about which you have heard so much, should have been submitted to some one on the part of the prisoner. When I was speaking of the time which elapsed from the alleged administration of the poison until the death of the poor boy, I should have drawn your attention—and I beg you will not forget this—to the fact that Dr. Bond has stated that the ordinary time for one of these capsules melting is from two to three minutes. I now shall read to you an extract from Dr. Christison's book on poisons, wherein it is stated "evidence of experiments on"—

Mr. Justice Hawkins: Is that not rather a matter for cross-examination? If you read that, it will, of course, be open for the Solicitor-General to read extracts from any book he may think fit.

Mr. Montagu Williams: Dr. Christison is dead, and I cannot call him.

Mr. Justice Hawkins: No, no; you do not understand me. When Dr. Stevenson was in the witness-box, you should have



asked him if that book was an acknowledged authority by men of science. He might then have explained or qualified it.

Mr. Montagu Williams : Well, I do not know; but it appears very hard upon me, if I am not allowed to read it.

Mr. Justice Hawkins : As far as I am concerned, I have only to rule as to what is legal evidence and what is not. I have no discretion in the matter if the Solicitor-General objects.

Mr. Montagu Williams : Oh, well, my book is closed.

The Solicitor-General : I do not know what the book is, my lord.

Mr. Montagu Williams : Would you like to see it ?

The Solicitor-General : It seems to me that it is something that has occurred since the cross-examination of the witnesses.

Mr. Justice Hawkins : If you read it, you will open the whole field of writings by dead authors.

Mr. Montagu Williams : Oh, well, if there is the slightest discussion about it, I will not insist upon it. [Proceeding with his address to the jury.] When we adjourned last evening, I was about to call your attention to the sale of the aconitine upon November 24. It appears to me to be a very important element in the case, and I think I shall prove that not only is the evidence of the two men called from Messrs. Allen and Hanbury's utterly unreliable, but I shall show you that it is not at all probable. Atropia, it is much more likely, was bought than aconitine. I would call your attention particularly to the evidence of the witness Dodds. He, in his first conversation with Betts, said, "Do you remember the sale of atropia?" "Yes," was the reply; and the only question between them then, and for some hours afterwards, was, as to whether it was atropia or sulphate of atropia. Can you have any doubt that it was not aconitine but atropia? It is a remarkable thing, when we consider what has been proved, that the prisoner was in the



habit of purchasing atropia. There is no doubt about this, and there can be none. It appears in the two prescriptions which have been placed in evidence by the prosecution. Which is more probably right? How came the chemists' assistants to dream of atropia, when atropia was the very drug the prisoner was in the habit of using? What was it that changed their opinion? The 2s. 6d. This book (the petty cash-book of the firm). Neither of the two men could tell the day of the month or the day of the week when the purchase was made, but they do remember that aconitine is 1s. 3d. per grain, and, finding an entry of 2s. 6d., and a "C" against it, denoting a sale to a medical man, they jumped to the conclusion that it was aconitine, and aconitine only. You have heard it stated that atropia is 4d. per grain, and oddly enough, on November 29, is an entry in this very book of 8d., with a "C" against it. Considering the doubt of the two assistants as to the day of the week and date, and their first discussions as to its being atropia, who is likely to be right? I humbly submit that the probabilities are all in favour of the accused.

The next witness was Mr. Stilling, a gentleman from Messrs. Bell's, the well-known chemists of Oxford Street. He proved, not a sale, but a suggestion of a sale of aconitine, to the prisoner—that is, that the prisoner went to his shop and wanted to buy a grain of aconitine. Pray bear in mind that *unguentum aconitiæ* is an acknowledged remedy for rheumatism and neuralgia, and it has been proved that the prisoner was a martyr to those complaints. Therefore, it was quite legitimate for the prisoner to have aconitine in his possession. I submit that if the prisoner intended to commit this hideous crime, he would not have stated at the chemists', as he did, that he was staying at Nelson's Hotel, where he might be identified in every respect, and where the police might have laid hands upon him at once.

The next witness was Mr. Littlefield, the chemist, of the Isle of Wight. He gives evidence as to a most important matter in this case—the sale of the quinine powders. He proved the sale of twelve quinine powders of a large size. Six of these powders have been taken by somebody, and probably mainly by the unfortunate boy to whom they were sent. One of them was taken by Banbury, with no ill-effect, and there is not a suggestion that there was anything harmful or injurious in these powders. Where are the remainder of these twelve? They are produced before you, and, having been analysed by Dr. Stevenson, it is not suggested that there was any poison in them. With regard to powders Nos. 16, 17, and 19, which were found in the boy's box, and which would be the remainder of those purchased at the Isle of Wight, when they were analysed aconite was discovered. In one a considerable quantity was found, but very little trouble was taken in analysing the others—why, I do not know. Dr. Stevenson says he could not tell the quantity of aconite in the other two, but he says it was present. I should have thought that it would have been important to discover the quantities, especially as it affected the question whether there was not a mistake in making the powders, or in assimilating them properly. Where did these poisonous powders come from? The prosecution have to prove that, if they really rely upon it. It is their evidence, and it is for them to substantiate the guilt of the accused, and not for me to prove his innocence. I call upon them, with the whole of the Treasury at their back, to say where these powders came from. They have never ventured to show you at all. They have traced everything they could to the prisoner, but they have endeavoured and failed to trace the pills to him, which were sent from America, and which Mr. Bedbrook swore were destroyed. Do not forget that everything that has come from that man has been tested, and found

harmless. The six powders, the wafers, the cake, and the sweets were all analysed and tested, and not one particle of poison had been traced to them ; on the contrary, they were proved to be harmless and innocent. The very things that they cannot trace to the prisoner are charged with aconitine ; and when I am taunted and may be taunted with calling no witnesses, I may say that I do not do so because I cannot say where the pills that came from the boy's box were bought, and from whence they were supplied to him. The burden of proving that is upon the prosecution, and not upon me. Neither is it for me to assign a cause of death, but for the prosecution.

The next witness was Albert Smith, who proved that on August 28th he sold to the prisoner, at Shanklin, three grains of atropia and one grain of aconitine. Now, the suggestion of the prosecution is that in the month of August the assassin's hand was at work, and that in that month an attempt was made upon the life of this lad. The 28th was Sunday. On the 27th of the same month the family—Mr. and Mrs. Chapman and the boy—arrived at Shanklin. There were at that time four persons of the name of Lamson residing at Shanklin—the prisoner, his wife, his father, and his mother. On the 27th, they met the boy at the station, and they all went to Mrs. Joliffe's lodgings ; and here again, as at Wimbledon, the prisoner exhibited solicitude and kindness towards the boy ; and if I am taunted with not calling witnesses on that point, the answer is that his conduct proved what is necessary. You allege that the prisoner bought aconitine on August 28th for the purpose of giving it to the lad ; and Mr. Poland sought to prove it by the most circuitous routes. There were four persons, as I have said, of the name of Lamson in the island, and there is not a particle of evidence to show you that, after the Saturday, until his sailing for America, the prisoner at the bar was ever in company with the boy. But if

he were, what then? A total overthrow of all the suppositions and speculations of the prosecution.

You say that the deceased, while at the Isle of Wight, suffered from illness. I maintain, however, that it was not an illness but an indisposition, and that is corroborated by the evidence of Mr. Chapman, who married the deceased's sister. The symptoms of the indisposition were nothing like those followed by the taking of aconitine. There was every indication that the boy was suffering from an impaired digestion, and not from the effects of aconitine; and there was medical evidence that the boy, having dined at half-past one o'clock on December 3rd, at Wimbledon, there was found in the vomit at nine o'clock in the evening undigested food. I believe I have now dealt successfully with the Shanklin episode.

With regard to the evidence of Mr. Joliffe, I may say that we heard first from that witness—and it was with great surprise that I heard it—that the boy was able to get up and downstairs. On that matter we are told by witnesses from Wimbledon that it was utterly impossible for the deceased to do that, and I would have you mark the difference of the two statements.

A number of witnesses had been called to prove the impetuosity of the prisoner. That I have admitted throughout the case, and I cannot understand why the prosecution should have heaped Pelion on Ossa as they have done.

There were called before you two witnesses of the name of Tulloch, and their evidence, I may say, was strangely in contrast. The letter which the witness, John Law Tulloch, forwarded to the prisoner, requesting a loan of £20, spoke of "adding one to the list of favours and kindnesses" which he (the witness) had received from the prisoner. The world is now against the prisoner, and if there can be proved in evidence some little thing in his favour, don't, I beg you, discard and disregard it. He

exhibited great kindness to the witness, and also to his brother, and pawned his surgical instruments in order to meet a request on the part of the latter for a loan. If he has got a good trait in his character, in God's name, I trust you will let him have the benefit of it. I cannot tell you the prisoner's account, for by law I am not permitted to do so.

Mr. Justice Hawkins (interrupting): Do not let that be misunderstood. The prisoner cannot be sworn, but his counsel can make his statement for him.

Mr. Montagu Williams: I am much obliged to my lord.

Mr. Justice Hawkins: I do not like it to be understood that the prisoner's mouth is closed; but you are not permitted yourself to make a statement, instead of the prisoner, of facts.

Mr. Montagu Williams: I was not going to do that, my lord. To proceed: it is admitted that, on December 2nd, the boy was passing through an examination, and he was generally on those occasions in an excited state. The prisoner on the day in question went down to Wimbledon in company with one of the witnesses—Tulloch; and it has been suggested that the witness, who gave a different account of his conversation with the prisoner at the Police Court to what he has given here before you, was on that night the worse for liquor. The only man who can corroborate this statement is the prisoner, and my lord says he cannot be sworn. But I have my duty to discharge, and I put a question to the brother to the following effect: "Is your brother, late in the afternoon, sometimes the worse for liquor?" To that question the Solicitor-General very promptly objected, and said that it was not evidence. The question was not pressed, for I was not allowed to press it.

With regard to the two brothers, I cannot help saying, "Look on this picture and on that." One of them proved that which I have been seeking to prove throughout the whole of the case—



that the prisoner was a martyr to neuralgia and rheumatism ; and, as I have already said, aconitine is the remedy for those complaints. Bear in mind, with regard to the Isle of Wight transaction, that the prisoner was said to have bought the aconitine on August 28th, and that he sailed for America on the 30th of the same month. Under these circumstances, would it not—I put it to you—be the very time, when he was going on a voyage to the United States, to provide himself with aconitine to relieve the complaints I have mentioned as those to which he was subject ?

Now, as to the arrest, what was the man's conduct ? The boy was dead, and suspicion fastened upon him—the last man who was in the boy's presence before the symptoms showed themselves ; that is, the last man, as far as the evidence went, from whom he received anything that he took into his stomach. That is a very strong point. What does he do—does he fly ? No. It may be said, where can he fly to ? There are countries where there is no extradition, and where this law cannot reach him. He was out of this country and was in France. He knew that all the appearances were against him ; that he was the last person seen ; and that suspicion was fastened upon him by the newspapers. He knew the danger that he was in ; and yet, did he seek to cover his crime by flight ? No ; he returned back to this country of his own free will and accord. That circumstance I think should be taken into account in the prisoner's favour. He came to Scotland Yard and was taken before the magistrate. There, however, he thought of some one else besides himself ; he thought of his father and mother, and expressed the hope that the matter would not be made public, on account of his relatives. I do not think that that is the conduct of a guilty man, and I trust you will be of the same opinion.

Then it is said that motive was not absent in this case—

may, that the motive was powerful which induced the man to commit this crime, and that he murdered this poor lad for the purpose of obtaining the sum of £1,500, which he would have been entitled to on his death. I would have you observe that the prisoner must have known very well that, if the boy died, he would not receive any of the money for three months, for all the children were wards in Chancery. Moreover, he, as a man of education, would know that, if there were suspicions of foul play, no money would be paid over. No money, I may say, has been paid over. In the ordinary course of nature the poor boy could not live long, and the prisoner knew that. The curvature was growing worse, and the boy was suffering from disease of the lungs, so that it was impossible that he could live long. Why, then, should the prisoner anticipate his death by committing the act attributed to him? It is in the highest degree improbable that the prisoner should risk his life in order to bring about a state of things which must have been brought about naturally and without the commission of any crime.

These are observations which you must weigh, and, if they are worth anything, I am sure you will not discard them. I have shown you how this crime might have been committed in safety. I have shown you that, if the prisoner meditated the death of this boy, the Christmas holidays were coming on, and he, as a medical man, could have committed the crime alleged and very easily have done away with the traces of it. The victim would have been in his power; the boy would have been in his hands and in his house. I have called your attention to that because I think it is a matter well worthy of your consideration. I have called your attention to the unreliability of the evidence of the experts as to the existence of aconitine. I have called your attention to the fact that everything traced to the hands of the prisoner is innocuous and harmless, and that

the things which they say are charged with aconitine are in no way brought home to the possession of the prisoner. And here, I say, the prosecution have failed in proving the case laid before you. I have called your attention to the length of time which elapsed between the alleged taking of the poison and the poor boy's death ; and, gentlemen, I have now almost done.

My responsibility, which, believe me, is one which I would never willingly incur again—it is heavy enough—will in a few moments be shifted. The responsibility which hangs upon the shoulders of my lord, combined with mine, will finally be removed to yours ; for with you the responsibility of this verdict must rest.

Gentlemen, juries have made mistakes ; judges have made mistakes ; and, although judges tell juries, and tell them earnestly and sincerely—for the judges of this country are one of its brightest ornaments—although they tell juries, intending that they should act upon what they say, not to take any expression of opinion from them, because the responsibility rests with the twelve men who have to try the case ; yet, gentlemen, in my humble opinion, when you come to consider that our judges are in many cases elevated to the Bench from being the most successful of advocates and the highest ornaments of advocacy in their profession, you must feel that it is difficult for a judge, or any human being who has been a successful advocate, and who has been one of the brightest orators of the age, entirely to divest himself of oratory. The lion cannot change his skin ; the leopard cannot change his spots ; and, however unwilling a judge may be that any sentence or word of his might affect the opinion of the jury, the tones that have so long charmed never lose their charm, however much it may be desired—"the right hand" never forgets "its cunning." I make these observations with all sincerity, and with all respect, knowing that they will be taken in the sense in which they are meant.

Gentlemen, I now come to what is to me the most painful part of my duty. I have told you that you have the life of a fellow-creature in your hands. In reality you have a trinity of lives in your hands. You have three people to consider. This man has a wife. Who stood by him in the hour of poverty? That wife. Did you notice her on the first day? A thin, spare figure came up to that dock and took him by the hand, saying by her presence, "Though all men be against you, though all the world be against you, in my heart there is room for you still." Gentlemen, they say that women are inferior creatures, but in the hour of retribution it may be said of women, "When pain and anguish wring the brow, a ministering angel thou." She had sworn at the altar to love, honour, and obey him. It is well that the compilers of the solemn service put "love" first, for where there is woman's love the others follow, as a matter of course; and up to this moment she has stood, so to speak, by his side. Gentlemen, if the prisoner be convicted, and his life be sacrificed, what a legacy is there for her! What a reward for all her true nobility, and for all that is softest and best in life—a widowed home, a cursed life, and a poor little child never to be taught to lisp its father's name, its inheritance the inheritance of Cain!

I make these observations, gentlemen, not with any desire to make you deviate by one hair's breadth from the path of duty, which you are bound to tread; but I do make them to beg, to entreat, to beseech you, with these last tones of my voice, not to found your verdict upon speculative theories and visionary ideas; but to test, and try, and weigh—and accurately weigh—every particle of the evidence—real, solid, cogent evidence—before you come to a verdict antagonistic to this man. Into your hands I commend a brother's life, for no matter what our nationality or creed may be, by the common tie of human

nature all men are brothers. I can only beg you, lastly, to extend towards him—your brother—that upon which, in my humble judgment, all true religion is founded: do unto him—your brother—as you would, if you were placed in such dire straits, that your brethren should do unto you; and may the Lord direct you right.





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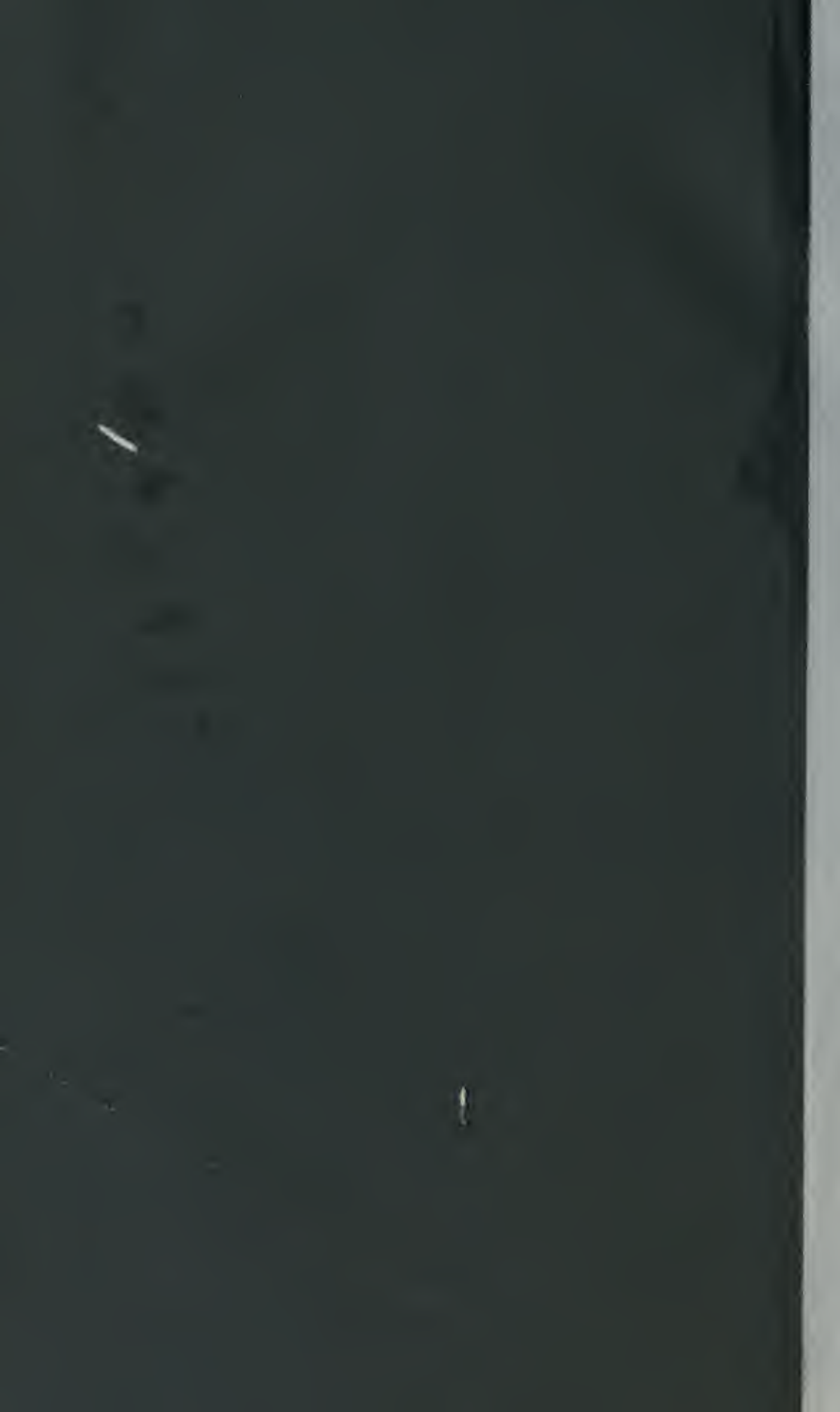
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